



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

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W.P.(MD) No.8666 of 2018
and
W.M.P.(MD) No.8132 of 2018

K.Sivakumar

... Petitioner

vs.

1.The Commissioner of HR& CE
Hindu Religious and Charitable Endowment
Chennai

2.The Joint Commissioner
Hindu Religious and Charitable Endowment
Tirunelveli, Tirunelveli District

3.The Assistant Commissioner
Hindu Religious and Charitable Endowment
Kottar, Nagercoil
Kanniyakumari District

4.The District Collector
Kanniyakumari District
at Nagercoil

5.The Superintendent of Police
Kanniyakumari District at Nagercoil

6.The Inspector of Police
Pudukkadai Police Station
Kanniyakumari District

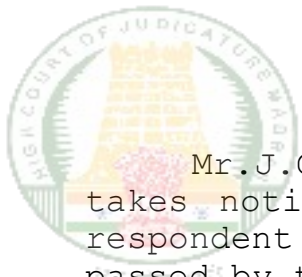
7.Mohanan @ Parameswaran Namboothiri

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 6 to take action against the seventh respondent to safeguard the Munchirai Madom and Valuable ancient "Aympon Idols" and monuments available in the Munchirai Madom situated at Munchirai, Munchirai Village, Vilavancode Taluk, Kanniyakumari District, by considering the petitioner's representation, dated 08.12.2017 forthwith.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.J.Gunaseelan Muthiah
Addl Govt. Pleader for R1 to R6

**ORDER**

Mr. J. Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 to 6. Notice to the seventh respondent is dispensed with in view of nature of the order to be passed by this Court.

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2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 08.12.2017 seeking to take action against the seventh respondent in order to safeguard the Munchirai Madom and the valuable ancient "Aympon Idols" and monuments available in the Munchirai Madom, situated at Munchirai, Munchirai Village, Vilavancode Taluk, Kanniyakumari District, has not been considered by the respondents 1 to 6 till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 08.12.2017 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the seventh respondent and any other person who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar.

To:

1. The Commissioner of HR & CE,
<https://hcservices.ecourts.gov.in/hcservices/>
Hindu Religious and Charitable Endowment,
Chennai.



2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli, Tirunelveli District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Kottar, Nagercoil,
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4.The District Collector,
Kanniyakumari District,
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5.The Superintendent of Police,
Kanniyakumari District,
at Nagercoil.

6.The Inspector of Police,
Pudukkadai Police Station,
Kanniyakumari District.

+1cc to Special Government Pleader, SR NO.62518.

+1cc to Mr.S.Sivakumar, Advocate, SR No.62239.

W.P. (MD) No.8666 of 2018
and
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KRK

PS/KKR/SAR 1/16.05.2018/5P/9C