



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.07.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESHW.P.(MD)No.9609 of 2018

S.Amutha

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

4.Rev.P.A.Ponnarasu,
The President,
Indian Evangelical Luthren Sabai Sangam,
Nagercoil Senat,
Near Paul Pannai,
Nagercoil.

5.V.A.Raj,
The President,
Kirubai Luthren Church,
Valliyoore,
Tirunelveli District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to consider the representation dated 13.04.2018 and direct the respondents 1 to 3 to take appropriate action against the fourth and fifth respondents and his henchmen as their action is unconstitutional.

For Petitioner : Mr.V.Rajiv Rufus

For R-1 to R-3 : Mr.N.Shanmuga Selvam
Additional Government Pleader

For R-4 & R-5 : No appearance

**ORDER**

Heard Mr.V.Rajiv Rufus, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3.

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, to take action against the respondents 4 and 5 for excommunicating the petitioner and her family members from Indian Evangelical Luthren Sabai Sangam, has not been considered by the third respondent till date and therefore, 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 other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers 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 third respondent to consider the petitioner's representation, dated 13.04.2018, on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be made, after giving notice to the fourth and fifth respondents as well as any other persons, who may be interested in the subject matter.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

+1cc to Mr.V.Rajiv Rufus, Advocate, SR.No.71391.

W.P. (MD) No.9609 of 2018
05.07.2018

rmk

RAM/SKN RSK/SAR 2/16.07.2018/3P/5C