



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14426 of 2018

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Arulraj

... Petitioner

Vs.

1. The Secretary to the Government
Home Department
Secretariat, Fort St.George
Chennai-600 009

2. The District Collector
Thoothukudi District
Thoothukudi

3. The Revenue Divisional Officer
Thoothukudi
Thoothukudi District

4. The Superintendent of Police
Thoothukudi District

5. The Tahsildar
Srivaigundam Taluk
Thoothukudi District

6. The Inspector of Police
Eral Police Station
Thoothukudi District

7. Murugesan

8. Gandhi

9. Ramasubag Singh

10.Mahendran

... 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 herein to take necessary action against the respondents 7 to 9 herein for their illegal acts by considering petitioner representation dated 19.06.2018 and consequently to receive thalaivary for the Santhanamariamman and Narayanasamy Temple festival situated at Middle Street, Lakshmipuram, Kottarakurichi Village, Srivaigundam Taluk, Thoothukudi District and to allow us to enter the temple and perform poojas.



For Petitioner : Mr.G.Sathyannarayanan

For Respondents : Mr.N.Shanmugaselvam

Additional Government Pleader for R1 to R6

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O R D E R

Mr.N.Shanmugaselvam, learned Additional Government Pleader, takes notice for the respondents 1 to 6. Notice to the respondents 7 to 10 is dispensed with in view of nature of the order to be passed by this Court.

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 19.06.2018 seeking to take necessary action against the respondents 7 to 9 for their illegal acts and to receive thalaivary for Arulmigu Santhanamariamman and Narayanasamy Temples' festival situated at Middle Street, Lakshmipuram, Kottarakurichi Village, Srivaiguntam Taluk, Thoothukudi District, has not been considered by the official respondents 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 official 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 fifth respondent to consider the petitioner's representation dated 19.06.2018 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 respondents 7 to 10 and any other persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar (Cr1.Side)

/True Copy/



To:

1. The Secretary to the Government,
Home Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The District Collector,
Thoothukudi District,
Thoothukudi.
3. The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.
4. The Superintendent of Police,
Thoothukudi District.
5. The Tahsildar,
Srivaigundam Taluk,
Thoothukudi District.
6. The Inspector of Police,
Eral Police Station,
Thoothukudi District.

+1CC to Mr.G.Sathyannarayanan, Advocate, SR.No.71240

W.P. (MD) No.14426 of 2018
05.07.2018

KRK

ES/SKN/RSK/SAR 4/16.07.2018/3P/8C