



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P.(MD) No.14854 of 2018andW.M.P.(MD) No.13397 of 2018

Achiramavalli Amman Thiruppani Kattalai
rep.by its Managing Trustee G.Elangovan
S/o.Govindan Chettiar
No.18, 3rd Cross Street
2nd Main Road, Viswas Nagar, Trichy

... Petitioner

vs.

1.The Commissioner
Hindu Religious and Charitable Endowment
Nungambakkam, Chennai-34

2.The Joint Commissioner
Hindu Religious and Charitable Endowment
Thiruvanaikaval, Trichy

3.Muthusamy
Executive Officer
Achiramavalli Amman Temple
Jangamarajapuram
Lalgudi Taluk, Trichy District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 to take action against the third respondent and permitted the petitioners trust to perform poojas in the temple of Arulmigu Achiramavalli Amman and its subordinate deities situated at Jangamarajapuram, Lalgudi Taluk, Trichy District, by considering the petitioner's representation dated 15.06.2018.

For Petitioner : Mr.S.Madhavan

For Respondents : Mr.V.Anand

Government Advocate for R1 & R2

Mr.V.Chandrasekar for R3

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the respondents 1 and 2 and Mr.V.Chandrasekar, learned counsel takes notice for the third respondent.



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 their representation dated 15.06.2018 seeking to take action against the third respondent and permit them to perform poojas in the temple of Arulmigu Achiramavalli Amman and its subordinate deities situated at Jangamarajapuram, Lalgudi Taluk, Trichy District, has not been considered by the respondents 1 and 2 till date and therefore, they have 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 second respondent to consider the petitioner's representation dated 15.06.2018 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 conducting enquiry and giving due opportunity to the petitioner as well as to the third respondent 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

To:

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam, Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Thiruvanaikaval,
Trichy.



+1cc to M/S.K.Balasubramani, Advocate SR.No. 72305

+1cc to M/S.V.Chandrasekar, Advocate SR.No. 72185

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and

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krk

JM/PN/SAR 4/23.07.2018/3P/5C