



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15075 of 2018

Puvaneshwara Gurukkal

... Petitioner

vs.

1.The Joint Commissioner,
Hindu Religious and
Endowment Charitable Department,
Sivagangai.

2.The Hereditary Trustee,
Sivagangai Samasthanam Devasthanam,
Sivagangai.

3.The Devasthana Manager,
Arulmigu Thirunokkia Alagiyanatha Swamy Temple,
Thiruppachethy,
Manamadurai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to issue necessary direction to the second respondent to reconsider the order of removing the petitioner as a Poojekar of the temple, namely, Arulmigu Thirunokkia Alagiyanathar Temple, under the control of the third respondent based on the petitioner's representation dated 05.01.2018 made to the first respondent.

For Petitioner : Mr.K.Kannan

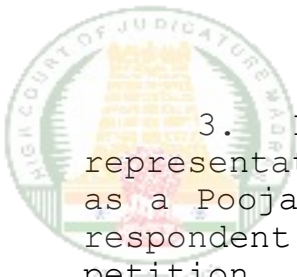
For RR1 : Mr.S.Nagarajan
Special Government Pleader

For RR2 and 3 : Mr.S.Madhavan

O R D E R

Mr.S.Nagarajan, learned Government Advocate, takes notice for the first respondent. Mr.S.Madhavan, learned counsel takes notice for the second and third respondents.

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 05.01.2018, seeking for removing the petitioner as a Poojekar of the temple, has not been considered by the second respondent till date and therefore, he has filed the present writ petition.

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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 an 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 05.01.2018 on its own merits and take further action in accordance with law, within a period of 4 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 herein and receiving their objections and pass speaking order.

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

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

The Joint Commissioner,
Hindu Religious and
Endowment Charitable Department,
Sivagangai.

+1cc to M/S.K.Kannan, Advocate SR.No. 72583

W.P. (MD) No.15075 of 2018
12.07.2018

sjj
JM/SKN RSK/SAR 2/24.07.2018/2P/3C