



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.16699 of 2018

A.Mookaiah

... Petitioner

vs.

1. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Neelagiriswarar Thope,
Thiruvanaikovil, Trichy- 05
2. The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department, Pudukottai.
3. The Executive Officer
Hindu Religious and Charitable
Endowments Department
District Court Complex
Pudukottai

4. Karupaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to consider the petitioner's representation dated 23.07.2018 and appoint a fit person who is unconnected to the rival claimants and without any record of wrongfully conveying temple lands as temporary common poosari of the Sri Mavayal Kaatu Ayyanar Temple and Udaiyandi Amman Temple, Keezhathaniyam Village, Ponamaravathi Taluk, Pudukottai District.

For Petitioner	:	Mr.Raguvaran Gopalan
For Respondents		
No.1 and 2	:	Mr.S.Nagarajan Special Government Pleader
No.3	:	Mr.G.Madhavan

ORDER

Mr.S.Nagarajan, learned Special Government Pleader, takes notice for the respondents 1 and 2. Mr.G.Madhavan learned counsel takes notice for third respondent. Notice to the fourth respondent 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 23.07.2018 seeking to appoint a fit person who is unconnected to the rival claimants and without any record of wrongfully conveying temple lands as temporary common poosari of the Sri Mavayal Kaatu Ayyanar Temple and Udaiyandi Amman Temple, Keezhathaniyam Village, Ponamaravathi Taluk, Pudukottai District, has not been considered by the second respondent 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 second respondent to consider the petitioner's representation dated 23.07.2018 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 done after giving due opportunity to the petitioner as well as to the fourth 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.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Neelagiriswarar Thope, Thiruvanaikovil
Trichy- 05

2. The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department
Pudukottai.



3. The Executive Officer
Hindu Religious and Charitable
Endowments Department
District Court Complex
Pudukottai.

WEB COPY

+1CC to Mr.K.PRABHAKAR, Advocate, SR.No.75752
+1CC to Mr.G.MADHAVAN, Advocate, SR.No.75616
+1CC to the Special Government Pleader SR.No. 76231

W.P. (MD) No.16699 of 2018
30.07.2018

AAV
ES/SKN/RSK/SAR 3/09.08.2018/3P/7C