

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 23.07.2019

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.16356 of 2019
and
W.M.P. (MD) No.12997 of 2019

G.R.Kannan

... Petitioner

Vs.

1.The Hindu Religious and Charitable
Endowment Department,
represented by its Commissioner,
Nungambakkam High Road,
Chennai-600 034.

2.The District Collector,
Dindigul District, Dindigul.

3.The Tahsildar,
Attur Taluk, Dindigul District.

4.The Executive Officer,
Ayyampalayam Town Panchayat,
Ayyampalayam, Attur Taluk,
Dindigul District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to lay remaining portion of the road connecting the existing road on the eastern side of the Hill temple Sri Arulmighu Murugan Temple, situated at Ayyampalayam Village, Attur Taluk, Dindigul District and consequently, consider the representation dated 24.05.2018.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader
for R.1 to R.3

: Mr.M.Jeyakumar
for R.4

**ORDER****(Order of the Court was made by M.SATHYANARAYANAN, J)**

The petitioner is a practicing advocate of this Bar and came forward to file this Writ Petition styled as a Public Interest Litigation, stating among other things that he hails from Ayyampalayam Village, Attur Taluk, Dindigul District and there is a small hill of 300 ft height exists at the rear side of the said village comprised in Survey No.778/1, wherein a temple was constructed and there are 600 foot steps leading to the said temple, wherein, an idol of Lord Murugan was installed about 25 years back.

2. The grievance expressed by the petitioner is that a road has been laid covering the half of the hill and in respect of the remaining half, there are thorn bushes and the exoteric trees. Though, repeated representations have been made to complete the laying of road around the hill, so that during the festival time, the devotees can do "Girivalam", no positive response is forthcoming and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. Mr.G.Ethirajulu, learned Counsel appearing for the petitioner has drawn the attention of this Court to the communication, dated 13.08.2019, in Oo.Mu.No.16946/2018/D6, emanated from the Collector of Dindigul District to the Assistant Director, Town Panchayat, Dindigul and would submit that despite a communication has been sent, calling upon the said official, to take appropriate action as to the request and communicate the same to the petitioner, nothing is moving forward and left with no other option, the petitioner, who is also a devotee of the said temple, is constrained to approach this Court by filing this Writ Petition.

4. Per contra, Mr.A.K.Baskara Pandian, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3, would submit that a suitable instruction will be given to the Assistant Director of Panchayat to take a call on the communication sent by the second respondent.

5. This Court heard the submission of Mr.M.Jeyakumar, learned Counsel, who accepts notice on behalf of the fourth respondent.

6. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the Assistant Director of Town Panchayat, Dindigul, to take appropriate action in accordance with law, on the communication dated 13.08.2018, in Oo.Mu.No.16946/2018/D6, sent by the second respondent, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.



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7. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai-600 034.

2. The District Collector,
Dindigul District,
Dindigul.

3. The Tahsildar,
Attur Taluk,
Dindigul District.

4. The Executive Officer,
Ayyampalayam Town Panchayat,
Ayyampalayam,
Attur Taluk,
Dindigul District.

5. The Assistant Director of Town Panchayats,
District Collectorate Campus,
Dindigul District.

+1 CC to M/s.G.ETHIRJULU, Advocate (SR-77124[F] dated 24/07/2019)

+1 CC to M/s.SPL GP (SR-77267[F] dated 24/07/2019)

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23.07.2019

ES/30.07.2019/3P/8C