



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND**

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No. 14947 of 2021

WEB COPY

O. Ukrapandian .. Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment,
The Administrative Department,
Chennai.
 2. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai District.
 3. The Assistant Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment,
Madurai District.
 4. The Executive Officer,
Arulmigu Sri Kamba Kamachi Karuppasamy Thirukkoil,
Nadumuthalaikulam,
Checkanurani Post,
Usilampatti Taluk,
Madurai District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 4 to fix a steel cover to protect the well for the welfare of the devotees who are all come to the temple as per the representation dated 23.06.2021, within the period as stipulated by this Court.

For Petitioner	:	Mr. N. Stalin
For Respondents	:	Mr. P. Thilak Kumar
		Government Advocate,
		for R1 to R3
		Mr. S. Manohar
		for R4

ORDER

[Order of the Court was made by The HON'BLE MR.JUSTICE M.DURAI SWAMY)

The petitioner has filed this petition as a public interest litigation for issuance of a Writ of Mandamus directing respondents 1 to 4 to fix a steel cover to protect the well for the welfare of

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the devotees who visit the temple as per the representation dated 22.07.2021.

2. It is the grievance of the petitioner that many devotees visit the temple and the fence situated in the said temple remain uncovered. Hence, he has given a representation to the authorities to fix a steel cover to protect the well so that no mishap happens. To this effect, the petitioner has given a representation dated 22.07.2021 and according to him, the same has not been considered by the authorities.

3. Mr.Thilak Kumar, Senior Government counsel taking notice for the fourth respondent submitted that the Hindu Religious and Charitable Endowment Department has already fenced the well and therefore, there is no necessity for fixing a steel cover around the well. However, learned counsel for the petitioner submitted that the respondents have only constructed 1½ feet high wall around the well which is not sufficient for protecting the well.

4. Since the petitioner's representation dated 22.07.2021 has not yet been considered by the fourth respondent, learned counsel for the petitioner submits that it would be suffice if the fourth respondent is directed to consider the representation submitted by the petitioner, within a time-frame. Learned counsel for the fourth respondent submits that the representation of the petitioner dated 22.07.2021 would be considered by the fourth respondent and appropriate orders passed.

5. Considering the submission made by the learned counsel for the petitioner as well as the fourth respondent, without going into the merits of the matter, we direct the fourth respondent to consider the petitioner's representation dated 22.07.2021 and pass orders on merits and in accordance with law, after issuing notice to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. With these observations, the writ petition is disposed of. There will be no order as to costs.

Sd/-

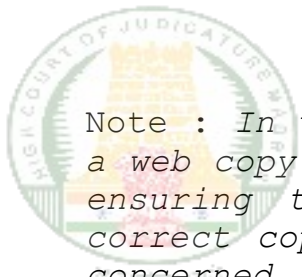
Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

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Nadumuthalaikulam,
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Madurai District.

+1 CC to M/s.N.STALIN, Advocate (SR-26995[F] dated 23/08/2021)

+1 CC to M/s.S.MANO HAR, Advocate (SR-27241[F] dated 25/08/2021)

+1 CC to M/s.SPL GP (SR-27167[F] dated 25/08/2021)

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23.08.2021

SRK(CO)
KB(31.08.2021) 3P 8C