



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)No. 817 of 2016

M. Thangamuthu

... Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Secretariat,
Chennai.

2. The District Collector,
Karur District.

3. The Joint Commissioner,
HR & CE Department,
Srirangam,
Trichy District.

4. The Tahsildar,
Krishnarayapuram Taluk,
Karur District.

5. The Administrative Officer,
Mahalakshmi Aman Temple,
HR & CE,
Kulithalai,
Trichy District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents by considering the petitioner's representation dated 31.12.2015 to remove the culvert put on 07.06.2015 in Arulmigu Mahalakshmi Amman Temple, Mettumahathanapuram, Krishnarayapuram Taluk, Karur District and pass orders.

For Petitioner : Mr. M. Muthukumar
for Mr. R. Manoharan

For Respondents : Mr. M. Ramesh,
Government Advocate,
for R1 to R4

Mr. P. Aathimoola Pandian
for R5

**O R D E R**

Captioned writ petition has been listed along with another writ petition namely W.P.(MD) No. 5640 of 2015.

2. This court is informed that W.P.(MD) No. 5640 of 2015 has already been disposed of by another Hon'ble Judge vide order dated 15.04.2015. Therefore captioned writ petition alone survives.

3. Mr. M. Muthukumar, learned counsel representing the counsel on record for writ petitioner is before me and learned counsel expresses regret for not representing the matter in the previous listings. To be noted, there was no representation for the writ petitioner on 17.11.2021, 18.11.2021, 16.12.2021, 17.12.2021 and 20.12.2021. This means that there was no representation for the writ petitioner for as many as five consecutive/successive listings.

4. To be noted that the captioned matter is listed today under the cause list caption 'FOR DISMISSAL'. Though the learned counsel Mr. Muthukumar expresses regret, no reason is assigned for not representing the matter in as many as five consecutive/successive listings. This in the considered view of this court is rather recalcitrant and nonchalant approach on the part of the counsel for writ petitioner. However, as the writ petitioner should not be put at a disadvantage, this court deems it appropriate to take up the matter and examine the same on merits.

5. Mr. M. Ramesh, learned Government Advocate, on behalf of respondents 1 to 4 and Mr. P. Aathimoola pandian, learned private counsel on behalf of fifth respondent 'Executive Officer' of the temple concerned (wrongly described as 'Administrative Officer' in the cause title) are before me.

6. A careful perusal of the case filed before me brings to light that the prayer in the captioned writ petition is a simple mandamus qua a representation dated 31.12.2015 sent by the writ petitioner and this representation pertains to what is described as a culvert (it appears to be a plaque) installed in the said Temple at the time of consecration i.e., Kudamulukku/Kumbabishegam. Captioned writ petition has been filed complaining of inaction on the part of the respondents in not considering this representation.

7. This court is informed that the representation remains unaddressed until this day. It is more than half a decade since the representation was given and in one week from now it will be 6 years. Therefore, captioned writ petition is disposed of with a simple mandamus directing the first respondent to consider the writ petitioner's representation dated 31.12.2015 on its own merits, in accordance with law and dispose of the same as expeditiously as his business would permit and in any event within one month from today.

<https://hcservices.ecourts.gov.in/hcservices/>
1/1/2022, 10:00 AM



8. The proceedings/orders disposing of writ petitioner's aforementioned representation by the first respondent shall be duly communicated to the writ petitioner under due acknowledgment within seven working days from the date of disposal of the representation.

9. Captioned writ petition is disposed of with the aforementioned simple directive. Though obvious it is made clear that this court has not expressed any view or opinion on the merits of the matter. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To

1. The Commissioner,
HR & CE Department,
Secretariat, Chennai.
2. The District Collector,
Karur District.
3. The Joint Commissioner,
HR & CE Department,
Srirangam, Trichy District.
4. The Tahsildar,
Krishnarayapuram Taluk, Karur District.
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Mahalakshmi Aman Temple,
HR & CE, Kulithalai, Trichy District.

+1 CC to M/s.SPL GP (SR-39959[F] dated 22/12/2021)

W.P(MD)No. 817 of 2016
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