



W.P.(MD) No.1414 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.1414 of 2019

N.Venkateshwaran

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and
Charitable Endowment Department,
Uthamara Gandhi Road,
Chennai – 600 034.

2.The Deputy Commissioner /
Executive Secretary,
Arulmigu Ramanathaswamy Temple,
Ramanathapuram,
Ramanathapuram District.

3.The Asstt. Commissioner,
Hindu Religious and
Charitable Endowment Department,
Paramakudi,
Ramanathapuram District.

4.The Thakkar (Incharge),
Hindu Religious and
Charitable Endowment Department,
Ramanathapuram,
Ramanathapuram District.

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to allow the petitioner to work as a Saphire continuously as per the 2nd respondent's earlier order in Na.Ka.No.789/2008/ 2, dated 14.03.2012 and to regularize petitioner's service in the Arilmigu Ramanathaswamy Temple, Rameshwaram, Ramanathapuram District, by considering petitioner's representation, dated 22.12.2018, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.M.Lingadurai for R1, R3 and R4
Special Government Pleader
Mr.S.Ramesh for M/s.V.Ragavachari for R2

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 22.12.2018 seeking to allow the petitioner to work as a Saphire continuously as per the 2nd respondent's earlier order in Na.Ka.No.789/2008/ 2, dated 14.03.2012 and to regularize petitioner's service in the Arilmigu



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Ramanathaswamy Temple, Rameshwaram, Ramanathapuram District. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 22.12.2018, in the light of the recommendation of the Joint Commissioner, Paramakudi, dated 27.11.2018 and pass appropriate orders in accordance with law, within a period of eight **(8)** weeks from the date of receipt of a copy of



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WEB CERN this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

19.07.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

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To

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4.The Thakkar (Incharge),
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M.S.RAMESH,J.

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