



W.P.(MD) No.25003 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

W.P.(MD) No.25003 of 2022

L.Marshal Esuvadian

... Petitioner

-vs-

1.The State of Tamil Nadu
rep.by its District Collector to Government
District Collector Office
Korampallam
Thoothukudi District
Pincode-628 101

2.The Revenue Divisional Officer
Sub Collector Office
Beach Road
Thoothukudi District
Pincode-628 001

3.The Tahsildar
Srivaikundam Taluk Office
V.Adichanallur Village
Srivaikundam Taluk
Pincode-628 621

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the newly built temple of religious worship in the newly built Srivaikundam Taluk Office premises in V.Athichanallur Village, Srivaikundam Taluk, Thoothukudi District, as per G.O.Ms.No.437, dated 13.09.2010, by considering the petitioner's representation dated 06.07.2022.

For Petitioner : Mr.Marshal Esuvadian
Party-in-Person

For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents.

2. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



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3. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents to remove the newly built temple in Srivaikundam Taluk Office premises in V.Athichanallur Village, Srivaikundam Taluk, Thoothukudi District, based on G.O.Ms.No.437, dated 13.09.2010 and the petitioner's representation dated 06.07.2022.

4. According to the petitioner, he is a practicing advocate and having tendency to ask for justice, he has filed this writ petition for the relief as stated above. During 2019, while Mr.S.Chandran was serving as Tahsildar, a new Srivaikundam Taluk Office was constructed in Adichanallur Village. Subsequently, in the year 2020, a Temple was built in the premises of the Taluk Office. Further, when the new Taluk Office was built, Mr.S.Chandran, who was serving as Tahsildar, ought not to have allowed to construct a temple in the Taluk Office premises, as constructing temples in the Government Office premises is a violation of secularistic principle and also would create discomfort to the general public. Therefore, he sent a representation to the respondents on 06.07.2022 for removal of the temple constructed in the premises of the newly built Taluk Office. Since no response is forthcoming, the petitioner has filed this writ petition.



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5. Learned Government Pleader appearing for the respondents submitted that the writ petition itself is not maintainable for the reason that the petitioner himself has admitted in the affidavit filed in support of this writ petition, that he gave a representation to the respondents only on 06.07.2022 for the removal of the temple, which was built way back in the year 2020. Therefore, on the ground of delay, the writ petition is not maintainable. Further, the petitioner has admitted in his affidavit that he was aware of the temple being constructed in the Taluk Office premises during the relevant time and therefore, after sleeping over the matter for above two years, now he cannot file a writ petition. That apart, the petitioner has not mentioned about the name of the temple in the affidavit. Therefore, the learned Government Pleader prayed for dismissal of this writ petition.

6. We find merit in the above submission of the learned Government Pleader. Though the petitioner claimed that a religious structure has been constructed in the premises of Srivaikundam Taluk Office, when we posed a question, he is unable to state about even the name of the temple. Secondly, when the Taluk Office was built in the year 2019, it is not known as to why the petitioner had not approached the authority concerned during the relevant time. Therefore, after two years, the petitioner cannot come up with



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7. Accordingly, the writ petition fails and it is dismissed. No costs.

[T.R., A.C.J.] [R.M.D., J.]

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Index : Yes / No

Internet : Yes / No

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and
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