



W.P.No.912 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.912 of 2023
and WMP No.893 of 2023

K.Jayalakshmi

... Petitioner

-Vs-

1. The District Collector-cum-Special Officer
SDSD Thirunallar
Collectorate, Karaikal-609602.
2. The Executive Officer-Temples
Sri Dharbaraneshwarar Devasthanam
Thirunallar-609607.
3. The Commissioner
Hindu Religious and Endowment Commissioner
Puducherry-605009.
4. The Chief Engineer
Public Works Department, Karaikal-609602.

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd 3rd respondents herein to implement the proceedings dated on 30/09/2020 published vide proceedings No. 5143/CHR1/T1/2010/1075 as per the order of the respondents in the official Gazette of Government of Puducherry dated on 19/10/2010 and consequently allot the shop to the petitioner in the Nalankulam, Theertham,Thirunallar.



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For Petitioner	Mr.R.Venkatesh
For Respondents	Mr.Vasantha Kumar Additional Government Pleader (P)

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd and 3rd respondents to act upon the legal notice issued by the petitioner along with others on 01.11.2022, wherein they have claimed for implementation of the proceedings dated 30.09.2010 and consequently to allot a Shop to the petitioner.

2.The case of the petitioner is that the husband of the petitioner was running a Shop in a Temple land by the side of the Nalankulam lake. Apart from the petitioner, many others were having their Shops. A decision was taken by the Government to remove the Shops by offering the persons who were having the existing Shops, allotment of alternate Shops. Believing the offer made by the Government, nearly 36 families are said to have vacated the Shops and handed over the same to the Government.

3.The grievance of the petitioner is that on 30.09.2010, the Government of Puducherry had issued proceedings to gift Temple lands for 36 families who were running Shops and inspite of the same, the same has not been acted upon till date. Aggrieved by the same, the present writ petition has been filed before this Court.



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4. When the matter was taken up for hearing, the Mr. Vasantha Kumar, learned Additional Government Pleader (P), appearing on behalf of the respondents submitted that the Temple lands cannot be allotted for a mere asking and that the petitioner does not have the legal right to seek for the allotment of an alternative place. That apart, it was contended that the petitioner is prosecuting this writ petition like a public interest litigation and on this ground also this writ petition is liable to be dismissed by this Court.

5. Per contra, the learned counsel for the petitioner submitted that there are sufficient records to show that the husband of the petitioner was running the Shop and he died on 16.11.2010. In the meantime, the proceedings dated 30.09.2010, was issued by the Government of Puducherry and it was decided that the Temple Authority will give the land to each of the individual who had vacated the Shops and one such name found at Sl.No.29 is the husband of the petitioner. Hence, the petitioner is only requesting for implementing this order passed by the Government of Puducherry.

6. In the considered view of this Court, it is unnecessary to keep this writ petition pending. The petitioner is seeking for implementation of the proceedings dated 30.09.2010, which has also been published in the official Gazette. A representation to that effect has also been made by the petitioner and others by issuing a legal notice to the respondents. Without going into the merits of the case, it will suffice if a direction is given to the respondents to consider the representation in accordance with law. For this purpose, it is not necessary to keep this writ petition pending for ever.



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7. In the light of the above discussion, the petitioner is directed to make a fresh representation to the 2nd and 3rd respondents. On receipt of the representation, it is left open to the 2nd and 3rd respondents to take a decision in accordance with law and convey the same to the petitioner. This process shall be completed by the 2nd and 3rd respondents within a period of **twelve weeks** from the date of receipt of the representation from the petitioner. The petitioner shall annex all the relevant documents and also a copy of this order.

8. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

10.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

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N.ANAND VENKATESH, J.

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