



W.P.(MD) No.12500 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.(MD) No.12500 of 2023

N.Suresh

...Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
119, Uthamar Gandhi Salai,
Nungampakkam, Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Elis Nagar (Near Bus Stop),
Madurai - 625 016.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Pandian Nagar,
1st Street, Dindigul - 624 001.



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4. C.P.M.S.V.P. Subashini,
Executive Hereditary Trustee,
Arulmigu Kottai Mariamman Thirukovil,
Hereditary Trustee,
Dindigul - 624001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner representation dated 05.04.2023 based on communication dated 14.08.2020.

For Petitioner : Mr.P.Manikandan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1 to R3
Mr.V.R.Shanmuganathan for R4

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 05.04.2023 seeking refund of rent paid for two stalls and GST therein, in the light of the intimation letter dated 14.08.2022 passed by the fourth respondent herein. Since the said representation was not considered, the present Writ Petition has been filed.



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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 official respondents to consider the petitioner's representation, dated 05.04.2023, on its own merits and pass appropriate orders in accordance with law, by taking into consideration the communication dated 14.08.2022 passed by the fourth respondent herein, within a period of eight (8) weeks from the date of receipt of a copy of 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.



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5. With the above directions, the writ petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order
pkn

To

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M.S.RAMESH,J.

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