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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11341 of 2024
and
W.M.P.(MD).No.10085 of 2024

K.Palanisamy ... Petitioner

Vs.

1.The District Collector,
Trichirapalli District,
Trichirapalli.

2.The Revenue Divisional Officer,
Srirangam Zone,
Muthukulam,
Trichirapalli District.

3.The Tahsildar,
Manapparai Taluk,
Trichirapalli District.

4.The Superintendent of Police,
Trichirapalli District.

5.The Inspector of Police,
Vaiyampatty Police Station,
Manapparai Taluk,
Trichirapalli District.

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6.Dharmaraj Pattayadharar
7.Selvam @ Pothapatty Selvam ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action in accordance with law thereby enabling the petitioner's family to participate in the temple festival of Arulmighu Kuruni Karuppasamy Temple situated in Kaichalkaranpatty, Aniyapur village, Manaparai Taluk, Trichy District to be held from 24.05.2024 to 26.05.2024 by receiving donation / Thalaikattu Vari from petitioner's family.

For Petitioner : Mr.K.S.Kathiravan
For R1 to R3 : Mr.A.Baskaran
Additional Government Pleader
For R4 & R5 : Mr.RMS.Sethuraman
Additional Public Prosecutor

O R D E R

The petitioner has filed this writ petition seeking direction to the respondents 1 to 3 to take appropriate action in accordance with law thereby enabling the petitioner's family to participate in the temple festival of Arulmighu Kuruni Karuppasamy Temple situated in

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Kaichalkaranpatty, Aniyapur Village, Manaparai Taluk, Trichy District to be held from 24.05.2024 to 26.05.2024 by receiving donation/Thalaikattu Vari from petitioner's family.

2. Heard Mr.K.S.Kathiravan, learned counsel appearing for the petitioner, Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.RMS.Sethuraman, learned Additional Public Prosecutor appearing for the respondents 4 and 5.

3. The petitioner is residing in Kaichalkaranpatty Village and the villagers of Kaichalkaranpatty Village regularly celebrate festival for the temple viz., Arulmighu Karuppasamy Temple once in a decade. Lastly the said temple festival was celebrated in the year 2014. Now, the festival is scheduled to be celebrated from 24.05.2024 to 26.05.2024. The respondents 6 and 7 started to collect Thalaikattu Vari from all the families in the village for the last one month. However, without assigning any valid reason, they kept evading to receive donation/vari from the petitioner. Hence, he made a representation to the respondents 1 to 3 on

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17.05.2024. Since the said representation has not been considered by the respondents 1 to 3, the present writ petition has been filed seeking direction to the respondents 1 to 3 to take appropriate action in accordance with law.

4. Be that as it may, 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 them to consider the same on their 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. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

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5. In the light of the above observations, there shall be a direction to the respondents 1 to 3 to consider the petitioner's representation dated 17.05.2024, on its own merits and pass appropriate orders in accordance with law and the fifth respondent is directed to ensure that the petitioner’s family is not prevented from entering into the temple for offering their worship.

6. With the above direction, this Writ Petition is **disposed of.** No costs. Consequently, the connected Miscellaneous Petition is closed.

22.05.2024

NCC: Yes/No
Index : Yes/No
Internet:Yes/No

akv
Note: Issue order copy on 23.05.2024.

To

1.The District Collector,
Trichirapalli District,
Trichirapalli.

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2.The Revenue Divisional Officer,
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Manapparai Taluk,
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