



W.P.(MD)No.24277 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.24277 of 2024

1.Aalayam Kaapom Foundation,
Represented by its President,
Mr.P.R.Ramanan,
No.12, Nagarathinam Colony,
Sir P.S.Sivasamy Salai,
Mylapore, Chennai-600 004.

2.P.R.Ramanan

... Petitioner

Vs

- 1.The Principal Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner (Full Additional Charge),
Department of Archeology,
Government of Tamil Nadu, St.George Fort,
Secretariat, Chennai-600 009.
- 3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.



W.P.(MD)No.24277 of 2024

4.The Chairman,
State Level Expert committee,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,,
Nungambakkam Chennai-600 034.

5.The Executive Officer/Joint Commissioner,
Sri Meenakshi Sundareswarar Temple,
Madurai-625 001.

6.The Commissioner,
Corporation of Madurai,
Arignar Anna Maligai,
Tallakulam,
Madurai-625 002.

7.The District Collector,
Collectorate of Madurai,
82, Karumbalai Middle Street, Rajakoor,
Madurai-625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to remove all encroachment and unauthorised constructions in and around the Raya Gopuram, outside the Eastern side of Sri Meenakshi Amman Temple in Madurai and do everything possible to completely conserve and restore 'the Raya Gopuram' of Sri Meenakshi Sundareswarar Temple Madurai using the best expertise in the field, relay the roads around the monument to unhide its parts full of sculptures and art work lying buried under the present roads, make the entire zone opposite to puthu Mandapam 'Exclusive vehicle free walking zone', and thereby bring back and repatriate the monument to its original glory, conditions, position



W.P.(MD)No.24277 of 2024

and dimensions by removing all constructions (including the shops. Transformers, buildings and all other encroachments) and consequently;y restore 'the Raya Gopuram' that had been standing majestically for several centuries, exactly similar to the past within a reasonable time frame as fixed by this Court in accordance with law, based upon the representations of the First Petitioner dated 02.01.2024.

For Petitioners : Mr.B.Jegannath

For R1 to R4 &R7: Mr.P.Thilak Kumar

Government Pleader

For R6 : Mr.K.K.Kannan

For R5 : Mr.V.R.Shanmuganathan
Additional Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

This writ petition has been filed for a Mandamus to direct the respondents to remove all encroachment and unauthorised constructions in and around the Raya Gopuram, outside the Eastern side of Sri Meenakshi Amman Temple in Madurai.



W.P.(MD)No.24277 of 2024

2.The first petitioner herein had given a representation to the respondents on 02.01.2024 to remove the encroachments alleged to have been made in and around the Raya Gopuram, outside the Eastern side of Sri Meenakshi Amman Temple in Madurai. 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 him 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 the Constitution of the 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 first respondent herein to consider the petitioner's representation dated 02.01.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein



W.P.(MD)No.24277 of 2024

and the respondents herein, as well as all other persons, who may be interested in the subject property, within a period of three [3] months 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 matter and that it is open to the concerned respondents to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of.
There shall be no order as to costs.

[M.S.R.,J] [A.D.M.C.,J]
18.11.2024

NCC : Yes/No
Index : Yes/No

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To

1. The Principal Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai-600 009.
2. The Commissioner (Full Additional Charge),
Department of Archeology,

5/7



W.P.(MD)No.24277 of 2024

Government of Tamil Nadu, St.George Fort,
Secretariat, Chennai-600 009.

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- 3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
- 4.The Chairman,
State Level Expert committee,
Hindu Religious and Charitable Endowments Department,
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W.P.(MD)No.24277 of 2024

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A.D.MARIA CLETE, J.**

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