



W.P.(MD) No.12243 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.12243 of 2017

and

W.M.P.(MD)No.9425 of 2017

V.Santhanam,

.. Petitioner

Vs.

1. The Collector,
Thoothukudi District,
Thoothukudi.
2. The Tahsildar,
Tiruchendur Taluk Office,
Tiruchendur,
Thoothukudi District.

3. A.Ayyansamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the 1st and 2nd respondents to consider the resolution dated 10.06.2017 passed by our Executive Committee of Temple and the representation dated 24.06.2017 and allow us to construct the Temple which was demolished by the 3rd respondent.

For Petitioner : Mr.V.Rajiv Rufus



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For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader
for R1&2

: Mr.M.R.S.Prabhu for R3

ORDER

The prayer in the Writ Petition is to consider the Execution Committee Resolution, dated 10.06.2017 and to consider the representation of the petitioner dated 24.06.2017 for permitting them to construct the temple, which was demolished by the third respondent.

2. The learned counsel for the third respondent would submit that in spite of calling upon the third respondent to furnish further information, the third respondent had failed to respond their communication and has also filed a Memo, dated 28.08.2024, indicating no instructions from the respondent. The said Memo is taken on record.

3. Since the prayer sought for by the petitioner is limited for considering the representation of the petitioner for grant of permission to construct the temple, subsequent events have taken place wherein a civil



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Court also granted a decree in favour of the petitioner which had been unsuccessfully challenged by the third respondent in an appeal suit. The petitioner is directed to give a fresh representation including the subsequent events that had been taken place, to the first respondent within a period of three weeks from the date of receipt of copy of this order. On receipt of the said representation, the first respondent shall consider the same and pass appropriate orders within a period of six weeks thereafter. Since the third respondent has also suffered a decree at the hands of the petitioner, he shall not interfere with the construction of the temple, if approval is granted to the petitioner.

4. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.11.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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K.KUMARESH BABU, J.

LS

To

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Thoothukudi.
2. The Tahsildar,
Tiruchendur Taluk Office,
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