



**WP(MD). No.30013 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 12.12.2024**

**CORAM**

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

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**S.Palraj**

**... Petitioner**

**Vs**

1. The Commissioner,  
Hindu Religious and Endowment Department,  
No.119, Uthamar Gandhi Road,  
Nungambakkam, Chennai - 600034..

2. The Joint Commissioner / Monitoring Committee,  
Hindu Religious and Endowment Department,,  
Kandhasamy Puram, Thoothukudi - 628002..

3. The Executive Officer,  
Arulmigu Poovanatha Swamy Temple,  
Ettayapuram Road, Kovilpatti,  
Thoothukudi District - 628501..

4. Reva Plaza,  
Represented by its Proprietor Mr.Angamuthu,  
436, Main Road, Kovilpatti,  
Thoothukudi District - 628502..

**... Respondents**

**PRAYER :-** Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the

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respondents 1 to 3 to consider the petitioners representation dated 18.12.2023, 27.07.2024 and on 21.08.2024 praying to remove the encroachment made by the 4th respondent in T.S.No.45 to 51 in Block IV,B Ward Main Road, Kovilpatti belonging to 3rd respondent temple and thereby preventing revenue loss caused to the 3rd respondent temple and to prevent the nuisance caused to the public who are letting their children in the Anganwadi School Functioning besides the said area.

For Petitioner : Mr.T.Sakthikumaran  
For Respondents : Mr.P.Thilak Kumar for R1 and R2  
Government Pleader  
Mr.V.R.Shanmuganathan for R3

**ORDER**

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

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse orders are going to be passed against the respondent No.4, notice to the 4<sup>th</sup> respondent is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 to 3 to consider the petitioner's representation



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dated 18.12.2023, 27.07.2024 and on 21.08.2024 praying to remove the encroachment made by the 4<sup>th</sup> respondent in T.S.No.45 to 51 in Block IV,B Ward Main Road, Kovilpatti belonging to 3<sup>rd</sup> respondent temple and thereby preventing revenue loss caused to the 3<sup>rd</sup> respondent temple and to prevent the nuisance caused to the public, who are letting their children in the Anganwadi functioning besides the said area.

4. In order to remove the encroachment alleged to have been made in the aforesaid survey number, the petitioner has given a representation to the official respondents on 21.08.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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



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invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 21.08.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 4<sup>th</sup> respondent and all other persons, who may be interested in the subject property, within a period of three 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.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

**[M.S.R.,J]**

**[A.D.M.C.,J]**

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**NCC : Yes/No**

**Index : Yes/No**

**RR**



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**AND**  
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