



WP(MD). No.543 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.01.2025

CORAM

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

WP(MD). No.543 of 2025

Athimaram Arulmigu Karuppasamy Thirukovil
Thatchanallur, Tirunelveli
Rep. by its Managing Trustee V.Sandhiyar

... Petitioner

Vs

1. The District Collector,
Tirunelveli District..

2. The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District..

3. The Commissioner of Police,
Palayamkottai,
Tirunelveli District..

4. P.Andal

5. Nagarajan

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachments of 20 sq. mts., of private temple lands of Arulmigu Athimaram Karuppasamy Temple

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situated at Sy. No.868/10, School Street, Thalavaipuram, Thatchanallur, Tirunelveli Taluk, Tirunelveli District vide the petitioners representation dated 11.11.2024.

For Petitioner : Mr.D.Saravanan
For Respondents : Mr.J.Ashok for R1 & R2
Additional Government Pleader
Mr.P.Kottaichamy for R3
Government Advocate (Crl. side)

ORDER

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 respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents 1 and 2 to remove the encroachments of 20 sq. mts., of private temple lands of Arulmigu Athimaram Karuppasamy Temple situated at Sy. No.868/10, School Street, Thalavaipuram, Thatchanallur, Tirunelveli Taluk, Tirunelveli District vide the petitioner's representation dated 11.11.2024.



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4. In order to remove the encroachments made on the petitioner's temple property, the petitioner has given a representation to the official respondents on 11.11.2024. 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 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/application dated 11.11.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 4 and 5 as well as all other persons,



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who may be interested in the subject matter, 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]

08.01.2025

NCC : Yes/No

Index : Yes/No

RR

To

1. The District Collector,
Tirunelveli District..

2. The Tahsildar,
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Tirunelveli District..

3. The Commissioner of Police,
Palayamkottai,
Tirunelveli District..



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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
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