



W.P.(MD).No.2408 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM

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

W.P.(MD).No.2408 of 2025

R.Kannan

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
Thanjavur District,
Thanjavur.
- 2.The Commissioner,
Kumbakonam Corporation,
Kumbakonam,
Thanjavur District.
- 3.The Assistant Commissioner,
The Hindu Religious and Charitable Endowments Department,
Kumbakonam,
Thanjavur District.
- 4.The Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents herein to take necessary action as against the encroachers who erected food stalls and further to prevent



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polluting of Maha Maham Tank attached with Adhi Kumbeshwarar Temple situated at Kumbakonam Corporation, Thanjavur District and to protect its sanctity and to prevent the public from hindrance of traffic congestion on the basis of considering the petitioner's representations dated 30.12.2024 and 06.01.2025 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.B.Anandan
For R-1 & R-3 : Mr.P.Thilak Kumar
Government Pleader
For R-2 : Mr.M.Rajarajan
Standing Counsel
For R-4 : Mr.P.Kottaisamy
Government Advocate (Crl. Side)

ORDER

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

2. This Writ Petition has been filed for a Mandamus, directing the respondents herein to take necessary action as against the encroachers who erected food stalls and further to prevent polluting of Maha Maham Tank attached with Adhi Kumbeshwarar Temple situated at Kumbakonam Corporation, Thanjavur District and to protect its sanctity and to prevent the



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public from hindrance of traffic congestion on the basis of considering the petitioner's representations dated 30.12.2024 and 06.01.2025 within a stipulated time that may be fixed by this Court.

3. The petitioner herein had given a representation to the respondents on 30.12.2024 to take necessary action as against the encroachers, who erected food stalls and further to prevent polluting Maha Maham Tank attached with Adhi Kumbeshwarar Temple situated at Kumbakonam Corporation, Thanjavur District. Since the said representation was not considered, the present Writ Petition has been filed.

4. 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.



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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 30.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein, as well as all other persons, who may be interested in the subject matter, 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.

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

(M.S.R.,J.) (A.D.M.C.,J.)
29.01.2025

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



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