



W.P.(MD)No.3199 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

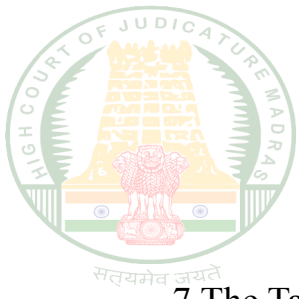
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M.Kaliappan

... Petitioner

-VS-

- 1.The District Collector,
District Collector Office,
Ramanathapuram District.
- 2.The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
- 4.The Superintendent of Police,
Ramanathapuram District.
- 5.The Joint Commissioner,
Tamil Nadu Hindu Religious and Endowment Department,
Sivagangai Division,
Sivagangai District.
- 6.The Assistant Commissioner,
Hindu Religious and Endowment Department,
Ramanathapuram.



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7.The Tahsildar,
Kadaladi Taluk, Ramanathapuram District.

8.The Deputy Superintendent of Police,
Kamuthi, Ramanathapuram District.

9.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the fifth respondent to consider the petitioner's representation dated 09.01.2025 to celebrate the festival of Arulmigu Uchimahaliyamman Temple, by performing Kappukattu and other relied rituals situated at S.No.394/1 in Kokkadi Village, Kadaladi Taluk, Ramanathapuram District, in forthcoming Tamil Panguni Month and Avani month (i.e) from April-1 to April - 8 and from 13.09.2025 to 20.09.2025.

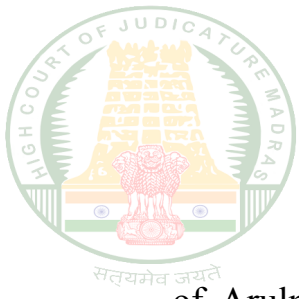
For Petitioner : Mrs.S.Devasena

For R1 to R3 and R5 to R7 : Mr.P.Subbaraj
Special Government Pleader

For R4, R8 and R9 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

This Writ Petition has been filed for directing the fifth respondent to consider the petitioner's representation dated 09.01.2025 to celebrate the festival

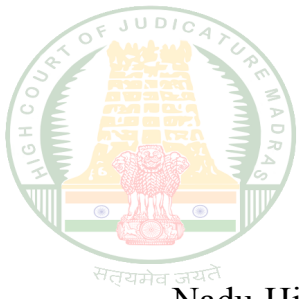


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of Arulmigu Uchimahaliyamman Temple, by performing Kappukattu and other
relied rituals situated at S.No.394/1 in Kokkadi Village, Kadaladi Taluk,
Ramanathapuram District, in forthcoming Tamil Panguni Month and Avani month
(i.e) from April - 1 to April - 8 and from 13.09.2025 to 20.09.2025.

2. Heard both sides. With the consent of both sides, this Writ Petition is
disposed of at the admission stage itself.

3. According to the petitioner, his community has been conducting a
festival at the temple for over 50 years without any complaints or issues regarding
its conduct. However, the Aavani festival was recently stopped by revenue and
police officials, despite there being no apparent necessity for such an action. The
petitioner asserts that this decision violates the religious rights of his community.
In this regard, the petitioner submitted representations on 26.05.2024, 31.07.2024
and 06.08.2024 to the respondents. As these representations were not considered
and his community was not permitted to conduct the festival, the petitioner filed
W.P.(MD)No.20993 of 2024 before the Hon'ble Division Bench of this Court. By
order dated 03.09.2024, the Hon'ble Division Bench dismissed the writ petition,
directing the petitioner to approach the appropriate authority under the Tamil

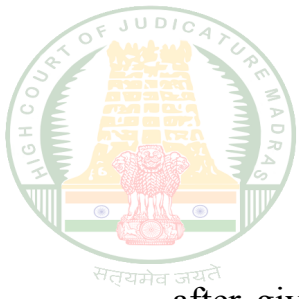


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Nadu Hindu Religious and Charitable Endowments Act, 1959, if he has any right to perform special poojas or festivals at the temple. Thereafter, the petitioner submitted another representation to the respondents on 09.01.2025, seeking permission to celebrate the temple festival. As the representation did not yield any positive result, the petitioner has filed the present writ petition.

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.

5. In the light of the above observations, there shall be a direction to the fifth respondent herein to consider the petitioner's representation dated 09.01.2025, on its own merits and pass appropriate orders in accordance with law,



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after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject matter, within a period of two weeks from the date of receipt of a copy of this order. It is also 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 fifth respondent to consider the same on its own merits.

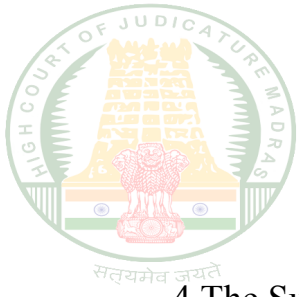
6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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04.02.2025

To:-

- 1.The District Collector,
District Collector Office,
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- 2.The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
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4.The Superintendent of Police,
Ramanathapuram District.

5.The Joint Commissioner,
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Sivagangai District.

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VIVEK KUMAR SINGH, J.

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