



W.P.(MD)No.4649 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4649 of 2025

M.Vijayalakshmi

... Petitioner

-VS-

1.The Principal Secretary to Government,
Department of Tourism, Culture and
Religious Endowments,
Secretariat, Chennai.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Chitharkadu, Mayiladuthurai.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Aayikulam Road, Kumbakonam,
Thanjavur District.

5.The Executive Officer,
Arulmighu Panapureeshwaran Temple,
Panadurai Sannathi Street, Kumbakonam,
Thanjavur District.

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide the vacant site to the petitioner with the adequate compensation of Rs.1,00,00,000/- (Rupees One Crore) for the unlawful demolition of the petitioner's property, comprised in T.S.No.475, to an extent of 50.73 sq.mt., situated at Municipal Ward No.1, Kumbakonam Town, Thanjavur District, by considering the representation dated 17.12.2024, within the stipulated time fixed by this Court.

For Petitioner	:	Mr.P.Krishnasamy
For R1 to R4	:	Mr.K.S.Selvaganesan Additional Government Pleader
For R5	:	Mr.V.Chandrasekar Standing Counsel

ORDER

This writ petition has been filed seeking a direction to the respondents to provide the vacant site to the petitioner with the adequate compensation of Rs.1,00,00,000/- (Rupees One Crore) for the unlawful demolition of the petitioner's property, comprised in T.S.No.475, to an extent of 50.73 sq.mt., situated at Municipal Ward No.1, Kumbakonam Town, Thanjavur District, by considering the representation of the petitioner, dated 17.12.2024.



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

3. According to the petitioner, she inherited the subject property in 2015 and constructed an RCC roofed building, spending a significant sum of money, where she has been living with her family for the past 30 years. On 22.10.2024, at around 11:00 a.m., the fifth respondent accompanied by his subordinates and a JCB, demolished her house. Hence, the petitioner sent a representation dated 17.12.2024 to the respondents, requesting appropriate action and compensation to construct a new house on her property. Despite receiving the representation, no action has been taken by the respondents. Therefore, the petitioner has filed the present Writ Petition.

4. Heard both sides.

5. 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



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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 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 third respondent herein to consider the petitioner's representation dated 17.12.2024, on its own merits and pass appropriate orders in accordance with law, 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 one month 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 third respondent to consider the same on its own merits.

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

NCC : Yes / No
Index : Yes / No
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