



W.P.(MD)No.4783 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.4783 of 2025

Madhavan

... Petitioner

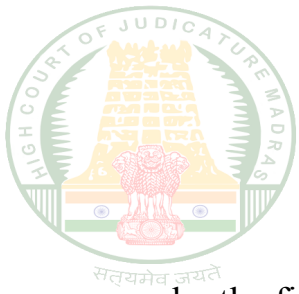
-VS-

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Nungambakkam, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Ellis Nagar, Madurai - 16.
- 3.The Assistant Commissioner (Madurai South),
Hindu Religious and Charitable Endowments Board,
Ellis Nagar, Madurai - 16.
- 4.The Inspector (Madurai South),
Hindu Religious and Charitable Endowments Board,
Ellis Nagar, Madurai - 16.

5.Ravichandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct a detailed enquiry with regard to misappropriation of the funds of Arulmighu Gurunathasamy Temple, situated at Chinna Anuppanadi (Chindamani), Madurai,



W.P.(MD)No.4783 of 2025

by the fifth respondent and take further action in accordance with law on the basis of the petitioner's representation, dated 23.09.2024, within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu
For R1 to R4 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to conduct a detailed enquiry with regard to misappropriation of the funds of Arulmighu Gurunathasamy Temple, situated at Chinna Anuppanadi (Chindamani), Madurai, by the third respondent and take further action in accordance with law on the basis of the petitioner's representation, dated 23.09.2024.

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

3. Since no adverse orders are going to be passed against the fifth respondent, notice to the fifth respondent is hereby dispensed with.



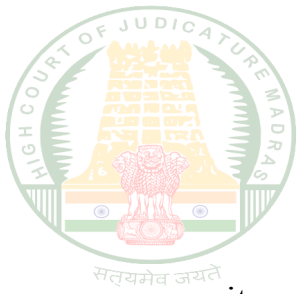
W.P.(MD)No.4783 of 2025

WEB COPY

4. According to the petitioner, the subject temple is governed by the first respondent under the scheme decree passed in O.A.No.59/1957. As per the said decree, three non-hereditary trustees were appointed, as per the proceedings dated 02.01.2012 and among them, Ravichandran, the fifth respondent herein, was selected as the Managing Trustee of the temple for a term of two years. However, the fifth respondent has continued to hold the position of Managing Trustee for a period of 12 years, from 2012 to 2024, without any sanction or authority from the first respondent's office. Hence, the petitioner submitted detailed representations to the respondents 1 and 2, dated 23.09.2024 and 04.01.2025, explaining the above facts and requesting them to take immediate action. Since no tangible action has been taken by the respondents 1 and 2, the petitioner has filed the present Writ Petition.

5. Heard both sides.

6. 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



W.P.(MD)No.4783 of 2025

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.

7. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representations dated 23.09.2024 and 04.01.2025, on its own merits and pass appropriate orders in accordance with law, after conducting a detailed enquiry and giving due opportunity to the petitioner and the fifth respondent, as well as all other persons, who may be interested in the subject matter, within a period of four 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 second respondent to consider the same on its own merits.



W.P.(MD)No.4783 of 2025

WEB COPY

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

NCC : Yes / No

21.02.2025

Index : Yes / No

smn2

To:-

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Nungambakkam, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Ellis Nagar, Madurai - 16.
- 3.The Assistant Commissioner (Madurai South),
Hindu Religious and Charitable Endowments Board,
Ellis Nagar, Madurai - 16.
- 4.The Inspector (Madurai South),
Hindu Religious and Charitable Endowments Board,
Ellis Nagar, Madurai - 16.



WEB COPY



W.P.(MD)No.4783 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.4783 of 2025

21.02.2025