



W.P.(MD)No.4730 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4730 of 2025

M.Chellasamy

... Petitioner

-VS-

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Avaniyapuram, Madurai.

2.The Tahsildar,
Taluk Office, Peraiyur Taluk,
Madurai District.

3.The Deputy Superintendent of Police,
Peraiyur, Madurai District.

4.The Inspector of Police,
Peraiyur Police Station,
Peraiyur, Madurai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to grant permission to worship the petitioner's family God for Masi Maha Sivarathiri festival of Arulmighu Thenmalaiyandi Swamy Temple, which is situated at Santhaiyur Village and Post, Peraiyur Taluk, Madurai District, by considering the petitioner's representation dated 07.02.2025.



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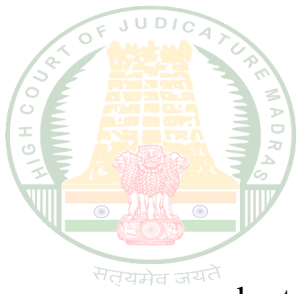
For Petitioner : Mr.A.Rajaram
For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 and R4 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

This writ petition has been filed seeking a direction to the first respondent to grant permission to worship the petitioner's family God for Masi Maha Sivarathiri festival of Arulmighu Thenmalaiyandi Swamy Temple, which is situated at Santhaiyur Village and Post, Peraiyur Taluk, Madurai District, by considering the petitioner's representation, dated 07.02.2025.

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

3. According to the petitioner, he planned to worship his family deity, Arulmighu Thenmalaiyandi Swamy, from 26.02.2025 to 27.02.2025, in connection with the Masi Maha Sivarathiri festival. The villagers also planned to



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conduct a procession from Keelapatti to Santhaiyur Village. Hence, the petitioner submitted a representation dated 07.02.2025 to the second respondent for permission to worship the family deity. Thereafter, the second respondent conducted an enquiry into the petitioner's earlier representation and issued a proceeding advising him to approach the H.R. and C.E. officials and the police officials. The petitioner then approached the first respondent, seeking permission based on his representation dated 07.02.2025. However, no response has been received from 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 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.



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6. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 07.02.2025, 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, on or before **25.02.2025**. 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 first 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

21.02.2025

Index : Yes / No

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Note:- Issue order copy on 24.02.2025.

To:-

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Avaniyapuram, Madurai.

2.The Tahsildar,
Taluk Office, Peraiyur Taluk,
Madurai District.



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3.The Deputy Superintendent of Police,
Peraiyur, Madurai District.

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VIVEK KUMAR SINGH, J.

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