



W.P.(MD)No.5349 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5349 of 2025

V.Muthu

: Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Joint Commissioner Office,
Madurai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to appoint the fit person for perform the consecration (Kumbabisekam) of the Arulmigu Adaikalam Kaththa Ayyanar Thirukovil Sallakulam Village, Kulasekarankotta Utkattai, Vadipatti Taluk, Madurai District by considering petitioner representation dated 02.12.2024 and 03.02.2025.

For Petitioners : Mr.M.Beema Rao

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader



W.P.(MD)No.5349 of 2025

WEB COPY

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to appoint a fit person for performing the consecration (Kumbabisekam) of Arulmigu Adaikalam Kaththa Ayyanar Thirukovil Sallakulam Village, Kulasekarankotta Utkattai, Vadipatti Taluk, Madurai District by considering the petitioner representation dated 02.12.2024 and 03.02.2025.

2. The petitioner alleges that after the consecration of the said Temple in 2012, an application in O.A. No. 5 of 2016 was pending before the second respondent, seeking to set aside the hereditary trustee order and to frame a scheme for administrative members belonging to the petitioner's community. In this regard, the petitioner submitted a representation on 03.02.2025 to the second respondent, requesting the appointment of a fit person for the purpose of celebrating the consecration. However, since no action has been taken on the representation, the petitioner has now approached this Court by filing the present Writ Petition.



WEB COPY



W.P.(MD)No.5349 of 2025

3. Heard both sides.

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 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 second respondent to consider the petitioner's representation dated 03.02.2025, 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, 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



W.P.(MD)No.5349 of 2025

to the second respondent to consider the same on its own merits.

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6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.02.2025

Index : Yes / No

Internet : Yes / No

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W.P.(MD)No.5349 of 2025

WEB COPY

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W.P.(MD)No.5349 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.5349 of 2025

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