



W.P.(MD)No.6728 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6728 of 2025
and
WMP (MD) No.4979 of 2025

M.Jayasaravana Balaji

: Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Commissioner,
Hindu Religious and Charitable
Endowments Board,
Uthamar Gandhi Road,
Nungambakkam,
Chennai.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments,
Dindigul Division,
Dindigul.

4. The Executive Officer,
Arulmigu Pusaripatti Sri Kannimaar Kovil,
Poosaripatti,
Kujilamparai Taluk,
Dindigul District.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent 1 to 4 to appoint any Executive Officer from the Hindu Religious and Charitable Endowment Department as a Fit Person to administer and manage the affairs of Arulmigu Pusaripatti Sri Kannimaar Temple situated at Poosaripatti, Kujilamparai Taluk, Dindigul District for worship and to ensure conductance of peaceful Kumbabisegam and further direct the respondents 2 to 4 to conduct Kumbabishegam through the appointed Fit Person for the purpose of smooth functioning of the temple without any adversity.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K..S.Selvaganesan

Counsel for Government of Tamil Nadu

ORDER

This Writ Petition has been filed seeking a direction to the the respondents 1 to 4, to appoint the Executive Officer from the Hindu Religious and Charitable Endowment Department as a Fit Person to administer and manage the affairs of Arulmigu Pusaripatti Sri Kannimaar Temple situated at Poosaripatti, Kujilamparai Taluk, Dindigul District, for worship and to ensure conductance of peaceful Kumbabisegam and further to direct the respondents 2 to 4 to conduct Kumbabishegam



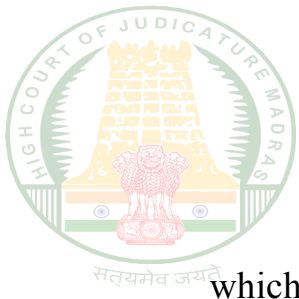
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through the appointed Fit Person for the purpose of smooth functioning of the temple without any adversity.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner asserts that Arulmigu Pusaripatti Sri Kannimaar Temple is a listed temple falling under the jurisdiction of the Tamil Nadu Hindu Religious and Charitable Endowments Department, which is administered by the fourth respondent. The petitioner's grievance is that two individuals, due to their internal dispute, have obstructed the proper functioning of the temple, resulting in the temple remaining closed for the past five years. This closure has occurred despite the religious sentiments of the devotees and the internal conflict regarding the appointment of trustees has severely prejudiced the temple's affairs. In this regard, the petitioner has submitted multiple representations to the third respondent, urging the appointment of an Executive Officer from the HR & CE Department to manage the temple's affairs, with the most recent representation submitted on 24.09.2024,



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which remains unaddressed. Left with no other recourse, 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 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 respondents to consider the petitioner's representation dated 24.09.2024 and pass appropriate orders solely on its own merits and 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 eight 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



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views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

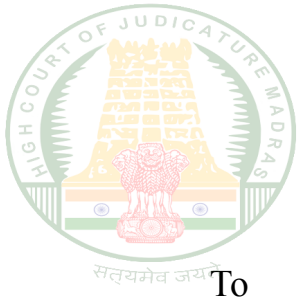
6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.03.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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