



W.P.(MD)No.7495 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7495 of 2025

and WMP (MD) No.5648 of 2025

A.Dhanam

: Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No. 119, Uthamar Ganthi Road,
Nungampakkam,
Chennai - 600034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Trichy - 05.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Perambalur District.

4. Periyasamy

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to



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consider the petitioner representation dated 03.10.2022 to Fix the Fair Rent as per the Section 34-A of Hindu Religious and Charitable Endowments act, 1959 and also pertains to G.O. No. 456 of Tourism, Culture and Religious Endowment Department, dated 09.11.2007 in respect of in Survey no. 48/2 is belongs to Arulmigu Kamatchi Amman and Maasi Periyannasamy Temple, Kallathukombai, B.Mettur post, Thuraiyur Taluk, Trichy District.

For Petitioners : Mr.Ramesh Mahadev

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader
for R1 to R3

ORDER

This Writ Petition has been filed seeking a direction to the third respondent to consider the petitioner's representation dated 03.10.2022 to fix the fair rent as per Section 34-A of Hindu Religious and Charitable Endowments act, 1959 and in accordance with G.O. No. 456, Tourism, Culture and Religious Endowment Department, dated 09.11.2007, pertaining to Survey No.48/2, which belongs to Arulmigu Kamatchi Amman and Maasi Periyannasamy Temple, Kallathukombai, B.Mettur post, Thuraiyur Taluk, Trichy District.



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2. Heard the learned counsel for the petitioner and Mr.P.Pethurajesh, learned counsel appearing on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3. The petitioner claims that she dug a well for their agricultural purpose in the petition mentioned temple land. The fourth respondent is a Hereditary Trustee of the temple, who is also a relative to the petitioner. The grievance of the petitioner is that since she dug the well and the water from the well is being used by the devotees of the temple, she submitted a representation to the fourth respondent on 03.10.2022, requesting the fixation of fair rent for the use of the land. However, the fourth respondent has kept the representation pending and has not forwarded it to the first respondent. Aggrieved by the same, the present writ petition has been filed.



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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 first respondent to consider the representation dated 03.10.2022 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 to the first 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.

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Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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