



W.P.(MD)No.7567 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7567 of 2025

and WMP (MD) No.5700 of 2025

1. R. Saravana Pandian
2. P.M Pandiarajan
3. Rebello
4. R.Lakshmi
5. Rishi Pandian
6. Rajesh Pandi
7. P.M Chellapandi

: Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Tourism, Culture and Charitable Endowments
(Ani3-1) Department,
Fort St. George, Secretariat,
Chennai-600 009.

2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai-600 034.

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



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WEB COPY 4. Ponnu Pandian

5. Jayaveerapandi : Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to take action against the 4th respondent, as per the representation dated 07.10.2024 sent by the petitioners.

For Petitioners : Ms.J.Anandhavalli

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader for R1 to R3

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to take action against the fourth respondent, as per the representation dated 07.10.2024 sent by the petitioners.

2. 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 respondents 4 and 5 is dispensed with.



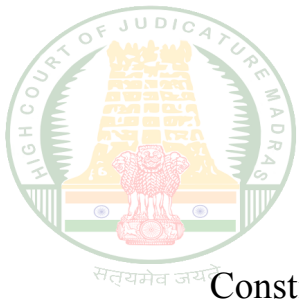
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3. The petitioners claim to be the hereditary trustees of the petition-mentioned temple. The grievance of the petitioner is that the fifth respondent colluded with the fourth respondent, who is in the Board of Trustees, started functioning unilaterally detrimental to the interest of the institution. The petitioners also allege that the respondents 4 and 5 misappropriated funds by failing to account the funds in the temple's account. In this regard, the petitioners submitted a representation to the first respondent to take action against the fourth respondent. However, since no action has been taken, the petitioner has now 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



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Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioners' representation dated 07.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners, 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.

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

20.03.2025

Index : Yes / No

Internet : Yes / No

PKN

<https://www.mhc.tn.gov.in/judis>



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VIVEK KUMAR SINGH, J.

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