



W.P.(MD)No.7959 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7959 of 2025

N.Balakrishnan

: Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Mahatma Gandhi Road,
Chennai - 600 034.

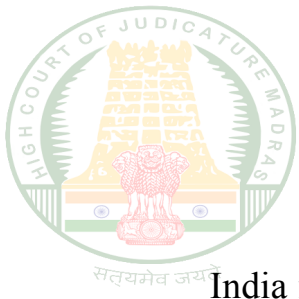
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nilagirishwarar Thopu,
Teppakulam Street,
Tiruvanaikoil,
Trichy - 620 005.

3. The Executive Officer,
Uthamarkoil,
Hindu Religious and
Charitable Endowment Department,
No.1, Tolgate,
Trichy - 621 216.

4. K.E.Chellaperumal

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of



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India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to take criminal action against the 4th respondent for illegally alienating temple properties and 1st to 3rd respondents to take appropriate steps under Section 78 of Hindu Religious and Charitable Endowment Act to evict the encroachers whoever claiming any right under the void sale deeds executed by the 4th respondent and his father.

For Petitioners : Mr.K.Gokul

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 respondents 1 to 3 to take criminal action against the fourth respondent for illegally alienating temple properties and to take appropriate steps under Section 78 of Hindu Religious and Charitable Endowment Act to evict the encroachers whoever claiming any right under the void sale deeds executed by the fourth respondent and his father.

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 fourth respondent is dispensed with.



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3. Alleging that the fourth respondent and his father alienated the lands of Aniyalathamman and Kamatchi Amman Temple at Koothur to illegal occupants, the petitioner submitted a representation to the second respondent, requesting appropriate action under Section 78 of the Hindu Religious and Charitable Endowment Act to evict the encroachers who claim rights under the void sale deeds executed by the fourth respondent and his father. However, since no action has been taken, the petitioner has now 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.



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5. In the light of the above observations, there shall be a direction to the respondents 2 and 3 to consider the petitioner's representation dated 27.04.2024, 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 respondents 2 and 3 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.

24.03.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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