



W.P.(MD).No.8672 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8672 of 2025

1.S.Samithurai
2.K.Thangavelu
3.M.Kaliraj

... Petitioners

-vs-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Palayankottai,
Thirunelveli District.

2. Assistant Commissioner / Executive Officer,
HR and CE,
Arulmigu Sangaranarayana Swamy
Thirukovil,
Sankarankovil,
Thenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to take appropriate steps to recover the Harijan Mandapam from the encroachment situated in Sannathi Street, Sankarankovil Town belong to the 2nd respondent Temple by considering the petitioners' representation dated 04.10.2024 within the time limit that may be fixed by this Court.



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For Petitioners : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.K.S.Selva Ganesan

Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to take appropriate steps to recover the Harijan Mandapam from the encroachment situated in Sannathi Street, Sankarankovil Town belonging to the 2nd respondent Temple, by considering the petitioners' representation dated 04.10.2024 within the time limit that may be fixed by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The case of the petitioners is that there is an encroachment made upon the Harijan Mandapam and so far no steps have been taken to remove the said encroachment. Hence, the petitioners made a representation to the first respondent dated 04.10.2024. Since the said representation was not considered, the petitioners have filed the present Writ Petition.



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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 petitioners' representation dated 04.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners and all other persons, who may be interested in the subject matter, within a period of six 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 to consider the same on its own merits.



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6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes/No
Index : Yes / No
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(2/2)



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.8672 of 2025
(2/2)

Dated:
01.04.2025