



W.P.(MD)No.9594 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9594 of 2025

and WMP (MD) No.7176 of 2025

PL.Dhinakaran

: Petitioner

Vs.

1. The Hindu Religious and Char,
itable Endowment Department,
Represented by its Commissioner,
Murugambakkam High Road,
Chennai - 600 034.

2. The Joint Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Sivagangai District,
Sivagangai.

3. V.Chinnathambi

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioners representation dated 04.02.2025 and consequentially directing the respondents herein to transfer the application in OA No.1 of 2020 on the file of the 2nd respondent to any other office of the Joint Commissioner around Sivagangai within the time stipulated by this Hon'ble Court.



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For Petitioner : Ms.S.Mamtha

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader for R1 & R3

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 04.02.2025 and consequently, to direct the respondents to transfer the application in OA No. 1 of 2020 on the file of the second respondent to any other office of the Joint Commissioner in or around Sivagangai, within the specified time frame.

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. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with.

3.The petitioner asserts that the HR & CE Department took over the affairs of the temple on 19.07.2017 and a 'Fit Person' was appointed by the first respondent. However, one Rakkappan refused to



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hand over the management of the temple. Subsequently, the said Rakkappan filed an application in O.A. No. 1 of 2020 before the Joint Commissioner, Sivagangai District, seeking to frame a scheme for the temple. The petitioner's grievance is that the second respondent has failed to conduct a proper enquiry and dispose of the application in O.A. No.1 of 2020. In this regard, the petitioner submitted a representation dated 24.02.2025 to the first respondent, requesting the transfer of the pending application in O.A. No. 1 of 2020 to any other office of the Joint Commissioner, as per Section 22 of the HR & CE Act. As 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 first respondent to consider the petitioner's representation dated 24.02.2025, 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.

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

07.04.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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