



W.P.(MD).No.9528 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9528 of 2025

A.Mahalingam

... Petitioner

-VS-

1. The District Collector,
Ramanathapuram District.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Thirupathur Road,
Sivagangai District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Ramanathapuram,
Ramanathapuram District,
4. The Executive Officer,
Hindu Religious and Charitable Endowments Board,
Thiruvadanai,
Ramanathapuram District,
5. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
6. The Tahsildhar,
Thiruvadanai Taluk,
Ramanathapuram District.



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7. State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.

8. State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

9. Muthuramalingam

10. Gandhi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 8 to initiate action against the respondents No.9 and 10 from conducting any temple function in Sri Ottudaiya Ayyanar and Ottudaiya Kaliamman Thirukovil in the light of the orders made in Na.Ka.No. 610/2024/Aa1 dated 27.01.2025 by considering the petitioner's representation dated 11.03.2025 within the time stipulated by this Court.

For Petitioner : Mr.KR.Bharathi Kannan

For Respondents : Mr.K.S.Selva Ganesan (R1 to R7)

Addl. Govt. Pleader

Mr.K.Gnanasekaran (R8)

Government Advocate



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ORDER

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This writ petition has been filed seeking a direction to the respondents 1 to 8 to initiate action against the respondents 9 and 10 from conducting any temple function in Sri Ottudaiya Ayyanar and Ottudaiya Kaliamman Thirukovil, in the light of the orders made in Na.Ka.No. 610/2024/Aa1 dated 27.01.2025 by considering the petitioner's representation dated 11.03.2025 within the time stipulated by this Court.

2. Considering the nature of the order going to be passed in this writ petition, notice to the private respondents is dispensed with and this writ petition is disposed at the stage of admission itself.

3. The petitioner is the Secretary of the Sir Ottudaiya Kaliamman Trust, which was formed only to look after the affairs of the aforesaid temple. The conduct of maha kumbhabishegam including collection of taxes from villagers and donors and other expenses were assigned to the private respondents herein and the same was conducted only in the year 2022 due to Covid-19 pandemic. For conduct of maha kumbhabishegam, the temple received donations, gold and silver articles. However, till date, the private respondents herein have not given the particulars of income and expenditure



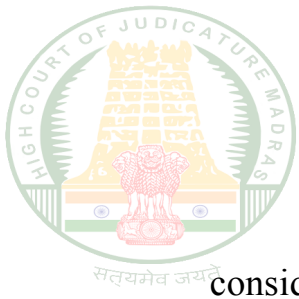
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for the conduct of maha kumbhabishegam of the aforesaid temple. Hence, the petitioner and the villagers made a representation to the respondents to conduct an enquiry about the misappropriation of funds. Since no action has been taken, the petitioner filed a writ petition in WP(MD)No.7555 of 2024, wherein this Court had directed the respondents to conclude the enquiry within a period of twelve weeks from the date of receipt of that order.

4. Pursuant to the order of this Court, the third respondent conducted an enquiry and passed an order dated 27.01.2025 to bring the aforesaid temple under the control of the 2nd and 3rd respondent Board, since there may have chances for law and order problem due to the dispute between the two groups. While this being so, the private respondents herein, in order to swindle the funds in the name of the temple, circulated phamplets as if they are going to celebrate puravi eduppu temple festival, which is proposed to be held on 03.06.2025. Hence, the petitioner and villagers made a representation on 11.03.2025. Since the same has not been considered till date, this writ petition has been filed.

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



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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.

6. In the light of the above observations and considering the facts and circumstances of this case, there shall be a direction to the petitioner to make a fresh representation to the second respondent, with regard to the aforesaid relief sought for in this writ petition, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after affording opportunity of hearing to the petitioner and the private respondents as well as any other persons who may be interested in the subject matter, within a period of four weeks thereafter. 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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7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

04.04.2025

NCC : Yes/No
Index : Yes / No
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Note: Issue order copy on 04.04.2025.



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.9528 of 2025

Dated:
04.04.2025