

W.P.(MD)No.10676 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10676 of 2025

T.Suresh Kannan

: Petitioner

Vs.

1. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Madurai.

2. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable
Endowment
Department, Madurai.

3. The Thasildar,
Vadippatti Taluk,
Vadippatti, Madurai District.

4. K.Nagarajan,
Poosari and Hereditary Trustee,
Sri Athi Ayyanar and Vellaveera Ayyanar,
Sri Durgai Amman, Vinayagar Temple,
Neerathan Village,
T.Vadippatti,
Madurai District.



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6. Sundararajan

7. Suresh Kannan : Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 2 herein to appoint a special officer for conducting the vaikasi festival of the Sri Durgai Amman Temple of Mettuneerathan Village, Vadippatti Taluk, Madurai District to be held on 08.06.2025 to 10.06.2025 by consider the representation of the petitioner dated 25.02.2025 and consequently directing the respondents 1 to 4 herein not to allow grant of special first honor to respondents 5 to 7 and any other individuals.

For Petitioner : Mr.V.S.Kumara Guru

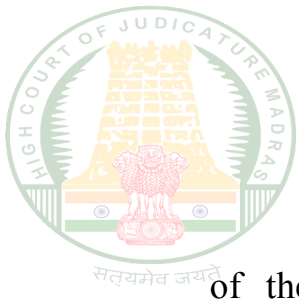
For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader for R1 to R3

Mr.S.Vellaichamy for R5 to R7

ORDER

The petitioner has filed this Writ Petition seeking a mandamus, directing the respondents 1 to 2 to appoint a special officer for conducting the Vaikasi festival of the Sri Durgai Amman Temple of Mettuneerathan Village, Vadippatti Taluk, Madurai District, scheduled to be held from 08.06.2025 to 10.06.2025, by considering the representation



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of the petitioner dated 25.02.2025 and consequently, directing the respondents 1 to 4 not to grant special first honour to the respondents 5 to 7 or to any other individuals.

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 fourth respondent is dispensed with.

3. Alleging that there is a likelihood of special honours being granted to specific communities without adherence to any established custom or legal right under Section 63(e) of the HR & CE Act, the petitioner submitted a detailed representation dated 25.02.2025 to the official respondents, requesting the appointment of a Special Officer to conduct the festival scheduled to be held from 08.06.2025 to 10.06.2025. However, no action has been taken by the respondents. Aggrieved by such inaction, the petitioner has approached this Court by filing the present writ petition.



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4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the respondents 1 and 2 to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

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 Constitution of the 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 respondents 1 and 2 to consider the petitioner's representation dated 25.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the



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petitioner and the fourth respondent herein, 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 1 and 2 to consider the same on its own merits.

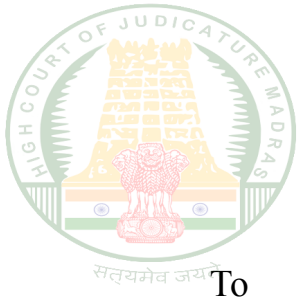
7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

21.04.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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