



W.P.(MD)No.11238 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11238 of 2025

P. Gunasekaran

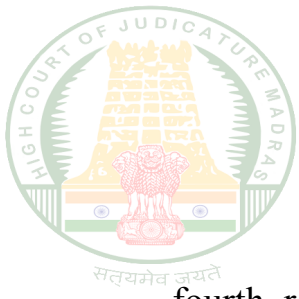
... Petitioner

-VS-

- 1.The Commissioner,
Office of the Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai – 600 034.
- 2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy District.
- 3.The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Perambalur District.
- 4.Periyasamy, S/o Late Alagan Muthuraja,
Hereditary Trustee,
Arulmigu Kamatchi Amman / Maasi Periyannasamy Temple,
Kallathukombai, B.Metur Post,
Thuraiyur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to immediately dismiss the



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fourth respondent, Hereditary Trustee of the Temple whose appointment and continuance itself illegal and against the express provision of law (i.e. for his Breach of Trust, Misappropriation of the properties owned by the temple and acted adversely to the Interest of the Temple under Section 53 2 (d) (e) and (j) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 based on the petitioner's representation dated 03.04.2025.

For Petitioner : Mr.Ramesh Mahadev
For R1 to R3 : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the official respondents to immediately dismiss the fourth respondent / Hereditary Trustee of the Temple whose appointment and continuance itself illegal and against the express provision of law, based on the petitioner's representation dated 03.04.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. Since no adverse orders are going to be passed against the fourth respondent, notice to the fourth respondent is hereby dispensed with.

4. Seeking removal of the fourth respondent, the Hereditary Trustee of the temple, whose appointment and continuance are illegal and contrary to the express provisions of law, the petitioner submitted a representation dated 03.04.2025. As the said representation has not been considered till date, the petitioner has filed the present Writ Petition.

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 India and direct them to consider the same within a stipulated time.



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6. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 03.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as to the fourth respondent, within a period of two months 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 second respondent 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.

NCC : Yes / No
Index : Yes / No
smn2

22.04.2025

To:-

1. The Commissioner,
Office of the Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai – 600 034.



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2. The Joint Commissioner,
Office of the Joint Commissioner,
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VIVEK KUMAR SINGH, J.

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