



W.P.(MD).No.12698 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12698 of 2025

Arulmigu Perumalswamy Temple,
Represented by the Hereditary Trustee,
K.Rukmani.

... Petitioner

-vs-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Virudhunagar.

3. Shanmugavel Thevar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, against the 3rd respondent for unauthorized occupation, impersonation, misappropriation of temple funds, disobedience of Civil Court Decree and unlawful interference in the administration of the Arulmigu Perumalswamy Temple, Melamadai, Irukkankudi Village, Sattur Taluk, Virudhunagar District and its properties.



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For Petitioner : Ms.S.Mahalakshmi

For Respondents : Mr.K.S.Selva Ganesan (R1 & R2)

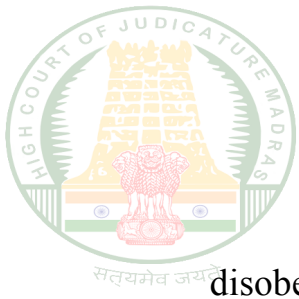
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 to take appropriate action under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, against the 3rd respondent for unauthorized occupation, impersonation, misappropriation of temple funds, disobedience of Civil Court Decree and unlawful interference in administration of the Arulmigu Perumalswamy Temple, Melamadai, Irukkankudi Village, Sattur Taluk, Virudhunagar District and its properties.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself. Considering the nature of the order going to be passed in this writ petition, notice to the private respondent is dispensed with.

3. The case of the petitioner is that her maternal grandfather is the hereditary trustee of the aforesaid temple. The third respondent has involved in unauthorized occupation, impersonation, misappropriation of temple funds,



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disobedience of Civil Court Decree and unlawful interference in the administration of the aforesaid temple. Hence, the petitioner made a representation to the respondents dated 11.04.2025. Since the said representation was not considered, the petitioner has 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.

5. 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 11.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent, as well as all other persons, who may be necessary in the subject matter,



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within a period of four weeks from the date of receipt of a copy of this order.

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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.

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

29.04.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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Madurai.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Virudhunagar.



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.12698 of 2025

Dated:
29.04.2025