



W.P.(MD).No.13039 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

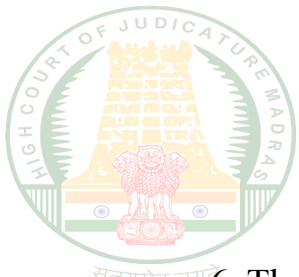
W.P.(MD)No.13039 of 2025
and W.M.P.(MD)No.9288 of 2025

V.Shanmugam

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
2. The District Collector,
Collectorate,
Virudhunagar District .
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.
4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Virudhunagar,
Virudhunagar District.
5. The Project Director,
District Rural Development Agency,
Collectorate,
Virudhunagar District.



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6. The Block Development Officer,
Kariappatti Village Panchayat,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus, directing the respondents to consider the petitioner's representation dated 31.01.2025 to the respondents No.2 to 6 in the light of the circular of the 1st respondent in Circular No. Na.Ka.No. 29378/2015 M3 dated 13.10.2021 in accordance with law.

For Petitioner : Mr.S.Kishore Kumar

For Respondents : Mr.K.S.Selva Ganesan,
Addl. Govt. Pleader (R1 to R5)
Mr.K.R.Badurus Zaman,
Govt. Advocate for R6

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 31.01.2025 in the light of the circular issued by the 1st respondent in Na.Ka.No.29378/2015 M3 dated 13.10.2021 in accordance with law.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.



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3. The petitioner is the trustee of the temple called Arulmiu Nadukkattu Ayyanar Thirukovil situated at Mandiri Odai Village, Kariapatti Town and Taluk, Virudhunagar District. The temple is situated in north-west portion in S.No.107/1 and the remaining portion is used to do temple activities such as sivarathri function etc. While this being so, the government proposes to acquire the said remaining portion of the said land. The first respondent issued a circular dated 13.10.2021 stating that any temple land which is vacant cannot be converted to any other utilisation, except for the benefit of the temple. Hence, the petitioner made a representation to the respondents dated 31.01.2025 to implement the same. 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



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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 second respondent to consider the petitioner's representation dated 31.01.2025, on its own merits and pass appropriate orders in accordance with law, 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 to consider the same on its own merits.

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

29.04.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.13039 of 2025

Dated:
29.04.2025