



W.P(MD)No.29533 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.29533 of 2024

P.Pitchai

... Petitioner

vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 34.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Ellis Nagar,
Madurai-1.

3. P.Alagappan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate proceedings as per section 53 of Hindu Religious and Charitable Endowment Act 1959, by considering the petitioner's representation dated 28.09.2024.



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For Petitioner : Mr.N.Karthik Kanna
For R1 & R2 : Mr.P.Thilakkumar, Government Pleader
For R3 : Mr.S.Ramanathan

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the 1st and 2nd respondents to take appropriate proceedings as per section 53 of Hindu Religious and Charitable Endowment Act 1959, by considering the petitioner's representation dated 28.09.2024.

2. Alleging mismanagement of Arulmigu Ayyanar Thirukovil situated in Paraipatti Village, Vadipatti Taluk, by the Hereditary Trustee, the petitioner made a representation dated 28.09.2024 to the respondents 1 and 2 to take appropriate proceedings as per section 53 of Hindu Religious and Charitable Endowment Act 1959 and finding no heed to it was paid, the petitioner has filed this writ petition.

3. Heard both sides.



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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.

5. In the light of the above observations, there shall be a direction to the official respondents to consider the petitioner's representation dated 28.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondent, as well as all other persons, who may be interested in the subject temple, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the



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matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
21.01.2025

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To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 34.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
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ORDER MADE IN
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DATED : 21.01.2025