

W.P.(MD)No.179 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.179 of 2025

S.Kodeeswaran

: Petitioner

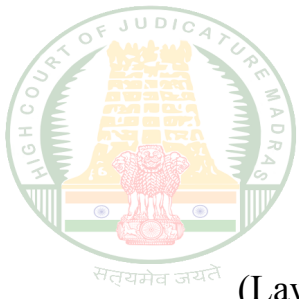
Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Thirupathur,
Sivagangai District.

4.The Inspector of Police,
Thirupathur Police Station,



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(Law & Order), Thirupathur,
Sivagangai District.

5.P.Rajendran

6.S.Chidambaram

7.R.Arumugam

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 07.11.2024 by preventing the respondents 5 to 7 from demolishing the original structure of Arulmighu Sri Andara Nachiyamman Temple, situated at Kottaiyiruppu, Thirupathur Taluk, Sivagangai District and direct the fourth respondent to provide adequate police protection to the temple of Arulmighu Sri Andara Nachiyamman Temple.

For Petitioner : Mr.S.Senthil Kumar

For Respondents 1 to 3 : Mr.P.Thilak Kumar

Government Pleader

For Respondent No.4 : Mr.P.Kottaisamy

Government Advocate [Crl. Side]



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ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for a Mandamus to direct the respondents respondents 1 to 4 to consider the petitioner's representation dated 07.11.2024 by preventing the respondents 5 to 7 from demolishing the original structure of Arulmighu Sri Andara Nachiyamman Temple, situated at Kottaiyiruppu, Thirupathur Taluk, Sivagangai District and direct the fourth respondent to provide adequate police protection to the temple of Arulmighu Sri Andara Nachiyamman Temple.

3.Since this Court is directing the respondents 1 to 4 to consider the petitioner's representation, after giving due opportunity to the private respondents herein, notice to the private respondents is hereby dispensed with.



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4.The petitioner herein had given representation to the official respondents on 07.11.2024, in this regard. Since the said representation was not considered, the present writ petition has been filed.

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 to 4 to consider the petitioner's representation dated 07.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and the respondent 5 to 7, as well as all other persons, who may be interested in the subject property, within a period of three [3] months from the date of receipt of a copy of this order. It is made clear



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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 concerned respondents to consider the same on its own merits.

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

[M.S.R.,J.] & [A.D.M.C.,J.]

07.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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