



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P.(MD) No.20480, 20482, 20483 and 20484 of 2019

and

W.M.P.(MD).Nos.17106, 17110, 17112 and 17115 of 2019

K.Ranganathan	...	Petitioner in W.P.20480/2019
M.Sundarraaj	...	Petitioner in W.P.20482/2019
P.Rengarajan	...	Petitioner in W.P.20483/2019
K.Uppili Srinivasan	...	Petitioner in W.P.20484/2019

vs.

1.The Commissioner

Hindu Religious and Charitable Endowment Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2.The Joint Commissioner

Hindu Religious and Charitable Endowment Department
Trichy Division, Theppakula Street,
Neelagiriswarar Thoppu,
Thiruvanaikaval, Trichy District.

3.The Executive Officer/Joint Commissioner

A/m.Sri Renganathaswamy Temple,
Vellithirumutham Village,
Srirangam Taluk, Trichy District.

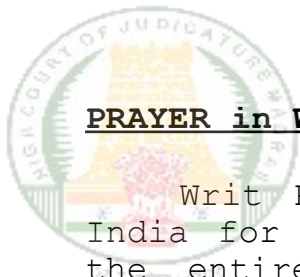
4.The Assistant Commissioner

Hindu Religious and Charitable Endowment Department
Trichy Division, Theppakula Street,
Neelagiriswarar Thoppu,
Thiruvanaikaval, Trichy District.

... Respondents in all W.Ps

PRAYER in W.P.(MD).20480/2019:

Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the entire records from the 1st respondent pertaining to the impugned order dt.30/08/2019 in proceedings R.C.No.25796 / 2019 D2 and quash the same and consequently direct the 1st respondent to entertain the Appeal to its file and dispose of the same on merits.



PRAYER in W.P. (MD) .20482/2019:

Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the entire records from the 1st respondent pertaining to the impugned order dt.30/08/2019 in proceedings R.C.No.25798 / 2019 D2 and quash the same and consequently direct the 1st respondent to entertain the Appeal to its file and dispose of the same on merits.

PRAYER in W.P. (MD) .20483/2019:

Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the entire records from the 1st respondent pertaining to the impugned order dated 30/08/2019 in proceedings R.C.No.25797 / 2019 D2 and quash the same and consequently direct the 1st respondent to entertain the Appeal to its file and dispose of the same on merits.

PRAYER in W.P. (MD) .20484/2019:

Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the entire records from the 1st respondent pertaining to the impugned order dt.30/08/2019 in proceedings R.C.No.25799/2019 D2 and quash the same and consequently direct the 1st respondent to entertain the Appeal to its file and dispose of the same on merits.

For Petitioner : Mr.V.Srikanth

For Respondent : Mr.V.R.Shanmuganathan

Special Government Pleader for RR-1, 2 to 4

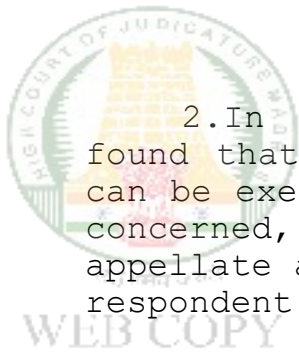
Mr.M.Saravanan for R-3

(in all W.Ps)

COMMON O R D E R

The writ petitions have been filed, challenging the impugned order dated 30.08.2019, passed by the first respondent and consequently to direct the 1st respondent to entertain the Appeals on file and dispose of the same on merits.

2.The petitioners filed appeals under Section 81 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 with a delay of 24 days. The Appellate Authority, in view of the judgment of the Honourable Supreme Court in the case of **GANESAN, REP. BY ITS POWER AGENT, G.RUKMANI GANESAN VS THE COMMISSIONER, TAMIL NADU HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BOARD, CHENNAI AND two others**, reported in **2019 (3) CTC 469**, has rejected the applications for condoning the delay. Aggrieved over the same, the petitioners are before this Court.



2.In the above judgment, the Honourable Supreme Court, has found that the scheme of the Act provides for certain powers that can be exercised by the authorities. Insofar as the present act is concerned, the power to condone delay is not conferred on the appellate authority, as it was not construed as a Court. Hence, the respondent rejected the appeal.

3.The Hon'ble Supreme Court has found that the respondent does not have the power to condone the delay. Once an order is passed and challenged before this Court, it cannot be said that this Court has no power to decide the matter and if required, to condone the delay.

4.Considering the same, I do not find any discrepancy in the order impugned. However, in the interest of justice, to decide the matter on merits, rather than rejecting it technicalities and render the petitioner remediless, in the exercise of powers under Section 226 of Constitution of India, this Court condones the delay of 24 days in filing the appeals and direct the respondent to entertain the appeals and decide the same on merits, within a period of four weeks from the date of receipt of a copy of this order.

5.Accordingly, all the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

Vs

To

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Hindu Religious and Charitable Endowment Department
No.119, Uthamar Gandhi Salai,
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2.The Joint Commissioner

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4.The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Trichy Division, Theppakula Street,
Neelagiriswarar Thoppu,
Thiruvanaikaval, Trichy District.

+4 CC to MR.M. SARAIVANAN, Advocate (SR-101359[F] dated 26/11/2019)
+1 CC to SPL GP (SR-101543[F] dated 26/11/2019)

W.P. (MD) Nos.20480, 20482, 20483 and 20484 of of 2019
25.11.2019

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MK (12.12.2019) 4P 10C