



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) Nos.14957 to 14960 of 2021

and

W.M.P (MD) .Nos.11879 to 11884, 11888 & 11890 of 2021

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N.Gurunathan	... Petitioner in W.P (MD) .No.14957 of 2021
K.Ilayaraja	... Petitioner in W.P (MD) .No.14958 of 2021
R.Ravishankar	... Petitioner in W.P (MD) .No.14959 of 2021
M.Selva kumar	... Petitioner in W.P (MD) .No.14960 of 2021

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Mayiladuthurai, Sitharkadu,
Mayiladuthurai District.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kumbakonam,
O/o The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kumbakonam District.
4. The Assistant Commissioner/Treasurer/Manager,
A/m. Iyavatheeswarar Temple,
Dharasuram, Kumbakonam Taluk,
Thanjavur District.

... Respondents in all Writ Petitions

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the delay in filing the Revision in Revision S.R.Nos.57492, 57493, 57494, 57491 of 2021 before the 1st respondent against the order of the 2nd respondent dated 16.05.2019 in M.P.Nos.32, 30, 36, 29 of 2018.



For Petitioners : Mr.G.Prabhu Rajadurai
(in all Writ Petitions)

For Respondents : Mr.P.Subbaraj,
Counsel for State
(in all Writ Petitions)

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ORDER

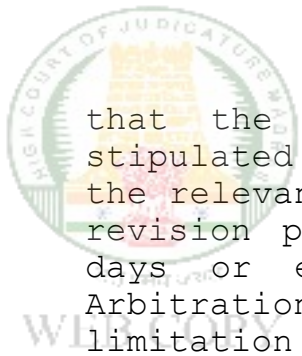
In all these writ petitions, the petitioner seeks the condonation of delay in filing revision petitions before the first respondent. The respective petitioner claims to be a tenant of the temple at Dharasuram, Kumbakonam Taluk, Thanjavur District. It is stated that the said temple is administered by the fourth respondent and comes under the supervisory jurisdiction of the second and third respondents herein. According to the respective petitioner, such petitioner is in possession of the land pursuant to the tenancy and has been undertaking cultivation thereon.

2. The petitioner states that a notice was issued under Section 78 of the Tamil Nadu Hindu Religious & Charitable Endowments Act 1959 (the Act of 1959). The petitioner was unable to defend himself in such proceedings, which culminated in the passing of an exparte order on 16.05.2019. A revision petition was filed by the respective petitioner before the first respondent on 09.08.2021. Such revision petition was filed under Section 21(7) of the Act of 1959. Such provision mandates that the revision should be filed within 90 days of the receipt of the relevant order. The present petition is filed in view of the fact that there is no provision in the Act of 1959 to condone the delay in the filing of the petition. Until such time that the aforesaid revision petition is considered, the respective petitioner also seeks interim protection from dis possession.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the relevant provision of the Act of 1959 prescribes the limitation period of 90 days.

4. The petitioner has submitted copies of the receipts in relation to the payment of rent for the property in question. It may be noticed that the last of such receipts is in the year 2016. Nevertheless, it is evident from the order dated 16.05.2019 that such order has been issued exparte. The revision before the first respondent has been filed in such facts and circumstances.

5. Upon perusal of Section 21(7) of the Act of 1959, it is clear that a revision is required to be filed within a period of 90 days. However, two aspects are relevant and should be taken note of. First, no provision has been made conferring authority on the first respondent to condone delay. The second and more important aspect is



that the consequences of not filing the revision within the stipulated period has not been prescribed. To put it differently, the relevant statute does not prohibit the filing or receipt of such revision petition if presented after the stipulated period of 90 days or even within any other period. In statutes like the Arbitration and Conciliation Act 1996, a special period of limitation is prescribed and it is categorically specified that such petitions would not be entertained beyond the stipulated time. In the Act of 1959, there is no such prohibition.

6. In the aforesaid circumstances, in exercise of extraordinary jurisdiction under Article 226 of the Constitution, a case is made out to condone the delay in filing the respective revision petition so as to enable a decision on merits. Accordingly, the writ petitions are allowed by directing the first respondent to receive the respective revision petition against the order of the second respondent dated 16.05.2019 and dispose of the same on merits.

7. The petitioner appears to have filed a stay petition along with such revision petition. Until such stay petition is heard and disposed of, there shall be an interim injunction restraining the respondents from dispossessing the petitioner from the land in Dharasuram, Kumbakonam Taluk, Thanjavur District. Such interim order shall be subject to the condition that all amounts due and payable towards rent are remitted by the respective petitioner. Consequently, connected W.M.P(MD).Nos.11879 to 11884, 11888 & 11890 of 2021 are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Chennai

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Mayiladuthurai, Sitharkadu,
Mayiladuthurai District.

3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kumbakonam,
O/o The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Kumbakonam District.

4. The Assistant Commissioner/Treasurer/Manager,
A/m. Iyavattheeswarar Temple,
Dharasuram, Kumbakonam Taluk,
Thanjavur District.

+1 CC to M/s.GP (SR-27181[F] dated 25/08/2021)

+4 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-27260,27261,27262,27263
[F]dated 25/08/2021)

W.P (MD) Nos.14957 to 14960 of 2021
24.08.2021

RK (02.09.2021) 4P 10C