



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P(MD)No.18747 of 2021

and

W.M.P(MD)Nos.15561, 15562 and 15563 of 2021

Gunasundari

... Petitioner

Vs.

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

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

4.Thakkar / Fit Person,
Arulmigu Karuppanasamy Thirukovil,
Paravai, Madurai North,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records challenging the impugned order of the first respondent in N.Dis.No.50579/2021/D2 dated 13.07.2021 and the impugned order of the third respondent in Na.Ka.No.1354/2021-1.A1 dated 27.09.2021 and quash the same and subsequently directing the first respondent to decide the appeal preferred by the petitioner against the order of the second respondent in Miscellaneous Petition No.97 of 2018 dated 20.02.2019.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mr.A.Baskaran
Government Advocate



ORDER

The petitioner approached this Court challenging the impugned orders passed by the first and third respondents, dated 13.07.2021 and 27.09.2021, contending that she has preferred a revision, dated 20.02.2019 against the order passed by the authorities. Aggrieved that order, she not preferred any revision within 90 days, as required under the law.

2.The learned counsel appearing for the fourth respondent/Temple Authority submits that the petitioner is not a tenant in the said Temple and she is only a sub-tenant and she has to pay huge arrears of rent to the Temple.

3.The learned counsel appearing for the petitioner submits that without considering the petitioner's objection, the authorities have passed the orders on 13.07.2021 and 27.09.2021 and based upon that, they are taking steps to evict her from the disputed property, which is belonging to the Temple.

4.Admittedly, the petitioner took steps to prefer the revision, but there is a delay of 2-1/2 years, as submitted by the learned counsel for the fourth respondent. By way of reply, the learned counsel appearing for the petitioner submits that due to medical reasons, the petitioner was not able to file the revision in time. But, this Court is not inclined to interfere with the right of the petitioner to approach the authorities to prefer the revision and even if there is any delay on her part, as she said, she has to satisfy the reasons for the delay before the concerned authority and she has to approach the right forum, where she has preferred the revision. Hence, I do not find any merit in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps/indu

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.

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



To

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

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

4.Thakkar / Fit Person,
Arulmigu Karuppanasamy Thirukovil,
Paravai, Madurai North,
Madurai District.

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-31994[F] dated
12/10/2021)

+1 CC to M/s.SPL.GP (SR-32003[F] dated 13/10/2021)

W.P (MD) No.18747 of 2021
12.10.2021

MGJ(28.10.2021) 3P 7C