



WEB COPY



W.P. No. 19641 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 19641 of 2022
and
W.M.P. Nos. 18960 and 18962 of 2022**

1. M.Babu
2. P.Balamurugan
3. A.Kasthuri
4. S.Subbaiya
5. G.Rajammal
6. K.Rajamani
7. S.Balamurugan

... Petitioners

-VS-

1. The Secretary
Tourism, Culture and Religious Endowments
Department
Secretariat
Fort St. George, Chennai - 600 009.
2. The Commissioner
Hindu Religious and Charitable Endowments
Department
Uttamar Gandhi Salai
Nungambakkam
Chennai - 600 034.
3. The Joint Commissioner, Chennai
Hindu Religious and Charitable Endowments
Department
Uttamar Gandhi Salai
Nungambakkam
Chennai - 600 034.



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4. Arulmigu Thirusoolanathar Thirukoil
Rep. by its Executive Officer
Thirusoolam, Chennai - 600 043.

5. The Revenue Divisional Officer
Tambaram Taluk, Tambaram.

6. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department
Chengalpattu.

7. The Tahsildar
Pallavaram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent herein to number the Revision Petition's filed by the Petitioners herein on 11.07.2022 by condoning the delay of 60 days and consequently direct the Fourth and Sixth Respondents herein not to dispossess the Petitioners from the survey numbers 64,65,67/1,67/2 and 68, till the disposal of the Revision Petition.

For Petitioners : Mr. S.V.Vijay Prashanth

For Respondents : Mr. N.R.R.Arun Natarajan
Special Government Pleader
(For R1 to R3 and R6)

Mr. A.K.Sriram
For M/s. A.S.Kailasam Associates
(For R4)

Mrs. N.Senthil Selvi
Government Advocate (For R5 and R7)



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ORDER

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Heard Mr. S.V.Vijay Prashanth, Learned Counsel for the Petitioners, Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the First to Third and Sixth Respondents, Mr. A.K.Sriram, Learned Counsel for the Fourth Respondent and Mrs. N.Senthil Selvi, Learned Government Advocate appearing for the Fifth and Seventh Respondents and perused the materials placed on record, apart from the pleadings.

2. The Petitioners had on 11.07.2022 preferred Revision Petitions under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) before the First Respondent against the order dated 25.02.2022 in R.P. No. 127/2020 D2 passed by the Second Respondent, which is beyond the period of limitation of three months from the date on which the said order has been communicated to them. The Writ Petition has been filed to direct the First Respondent to number the Revision Petitions by condoning the delay of 60 days in filing the same and for consequential direction to the Fourth and Sixth Respondent not to dispossess the Petitioners from the properties occupied by them till the disposal of those Revision Petitions filed by them. It has been categorically laid down by the



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Hon'ble Supreme Court of India *Ganesan -vs- Commissioner, Tamil Nadu*

WEB *Hindu Religious and Charitable Endowments Board* [(2019) 7 SCC 108] that

the applicability of Section 29(2) of the Limitation Act, 1963, is restricted to any suit, appeal or application filed in a 'Court' and cannot be pressed in service with regard to filling of any application before the Statutory Authorities and Tribunals provided in a special or local law, as in this case. In view of that legal position, it is not permissible to circumvent the legislative intent manifested in that bar created by resorting to exercise discretionary powers of the High Court under Article 226 of the Constitution. It is also brought to notice that the Division Bench of this Court by order dated 05.09.2022 in W.P. No. 21323 of 2021 has directed to expedite the eviction of the unauthorized occupants in the properties of the Temple of the Fourth Respondent, and the Petitioners cannot protract the same under the guise of prosecuting this Writ Petition to indefinitely retain the property for which they do not have right, title or interest to occupy the same. In such circumstances, the Petitioners cannot be granted any relief as sought in this Writ Petition.

3. Learned Counsel for the Petitioners lastly makes a fervent plea that the Petitioners may be permitted to make application for regularizing their occupation of the property by granting lease with retrospective effect with



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collection of rent due for that period. It is made clear that though no view has been expressed by this Court on the correctness or entitlement of such claim made, as observed in the aforesaid ruling, it would not preclude the Petitioners from availing any other remedy in that regard in accordance with law.

4. In the result, the Writ Petition is dismissed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

16.11.2022

Maya

Index: Yes/No

Note: Issue order copy by 06.01.2023.

To

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P.D. AUDIKESAVALU, J.

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