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W.P. No. 29963 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

**W.P. No. 29963 of 2022
and
W.M.P. No. 29371 of 2022**

Kaliyaperumal

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai – 600 034.
 2. The Joint Commissioner,
HR & CE (Admn) Department,
Villupuram,
Villupuram District.
 3. The Manager,
Srimath Sivagnana Baliah Swamigal Thirumadam,
Bommapura Aatheenam,
Mayilam,
Dindivanam Taluk,
Villupuram District.
- Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in proceedings N. Dis No. 53638/2022/D2 dated 22.09.2022, quash the same and to condone the delay in filing revision petition dated 20.09.2022 and also directing the First Respondent to number the



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Revision Petition as same and fix the date for hearing after giving opportunity to the Petitioner within stipulated time that may be fixed by the Court.

For Petitioner : Mr. V.Venkatesan

For Respondents : Mr. M.Bindran,
Additional Government Pleader
(for R1 & R2)

Mr. T.S.Baskar (for R3)

ORDER

Heard Mr. V.Venkatesan, Learned Counsel for the Petitioner, Mr. M.Bindran, Learned Additional Government Pleader, who takes notice for the First and Second Respondents, and Mr. T.S.Baskar, Learned Counsel, who takes notice for the Third Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Order in N. Dis. No. 53638/2022D2 dated 22.09.2022 passed by the First Respondent returning the appeal as time barred as the application for condone delay could not be entertained in the absence of any provision in that regard in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short),



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in the light of the decision of the Hon'ble Supreme Court of India in ***Ganesan***

-vs- Commissioner, Tamil Nadu Hindu Religious and Charitable

Endowments Board [(2019) 7 SCC 108]. Though reliance has been placed on

the decision of this Court in ***K.Ranganathan -vs- Commissioner, Tamil Nadu***

Hindu Religious and Charitable Endowments Department (Order dated

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

where direction has been issued to the First Respondent to entertain the appeals

in the exercise of powers conferred under Article 226 of the Constitution, it is

not possible to accept the same as it runs contrary to the dictum laid down by

the Hon'ble Supreme Court of India in ***Assistant Commissioner (CT), LTU,***

Kakinada -vs- Glaxo Smith Kline Consumer Health Care Limited [(2020) 10

SCC 681] that no such power is vested with the High Court in that regard.

3. In that view of the matter, there does not appear to be any infirmity in the impugned order in N. Dis. No. 53638/2022D2 dated 22.09.2022 passed by the First Respondent warranting interference by this Court, but as observed by the Hon'ble Supreme Court of India in ***Ganesan -vs- Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Board*** [(2019) 7 SCC 108], it would not preclude the First Respondent to exercise powers of *suo motu*



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revision conferred under the provisions of the Act for which there is no period of limitation prescribed in that enactment and will be without prejudice to any other remedy open to the aggrieved person in law.

4. In the result, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.11.2022

skr

Index: Yes/No

Note: Issue order copy by 06.01.2023.

To

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai – 600 034.
2. The Joint Commissioner,
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P.D. AUDIKESAVALU, J.

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