



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.9344 of 2019

S.Avvaiair

... Petitioner

Vs.

1.The Secretary to Government,
HR&CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2.The Special Commissioner Cum Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-34.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli,
Tirunelveli District.

4.The Special Officer,
Arulmigu Venkatachalapathy Temple,
Thimmarajapuram,
Palayamkottai Taluk,
Tirunelveli District.

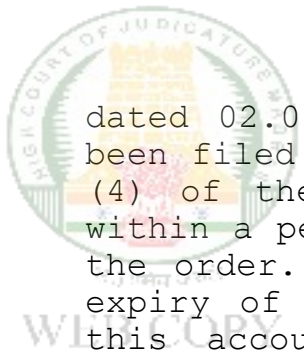
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider and dispose the appeal preferred by the petitioner made in the month of March 2016 in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.P.R.Prithiviraj
For R1 to R3	: Mr.P.Subbaraj
	Special Government Pleader
For R4	: Mr.H.Arumugam

ORDER

The writ petition is disposed of without expressing any opinion on the merits of the case. The petitioner has challenged an order,
<https://hcservices.ecourts.gov.in/hcservices/>



dated 02.06.2011, passed by the second respondent. The appeal has been filed under Section 34 (4) of the HR&CE Act. As per Section 34 (4) of the HR&CE Act, the aggrieved persons may file an appeal within a period of three months from the date of receipt of copy of the order. In this case, the appeal has been filed long after the expiry of the time prescribed for filing the appeal. Perhaps, on this account of this fact, the first respondent has also not numbered the appeal or not condoned the delay in filing the appeal. Under these circumstances, the Court can exercise the jurisdiction by directing the authorities to number and dispose the appeal on merits subject the petitioner pre-depositing the arrears.

2. In view of the above, first respondent is directed to consider the appeal filed by the petitioner and dispose of the same on merits and in accordance with law within a period of six months from the date of receipt of copy of this order. No costs.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

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To

- 1.The Secretary to Government,
HR&CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
 - 2.The Special Commissioner Cum Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-34.
 - 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli,
Tirunelveli District.
 - 4.The Special Officer,
Arulmigu Venkatachalapathy Temple,
Thimmarajapuram,
Palayamkottai Taluk,
Tirunelveli District.
- +1 CC to M/s.SPL GP (SR-7523[F] dated 21/02/2022)
+1 CC to M/s.H.ARUMUGAM, Advocate (SR-7596[F] dated 21/02/2022)

W.P (MD) .No.9344 of 2019
18.02.2022

MK/03.03.2022/2P/7C