



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Rev.Appl.No.111 of 2023
in
C.M.P.No.21760 of 2022
in
W.A.SR.No.130790 of 2022

Sri La Sri Sivanandha Mouna Swamigal,
Arakkattalai, Rep. by its, Joint Secretary,
Mr.A.Kirupanandam,
Thiruvalm, Sannathi Street,
Katpadi Taluk, Vellor District,
Tamil Nadu - 632 515.
Petitioner

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Vs.

1. The Principal Secretary / Commissioner,
Hindu Religious & Charitable Endowments Department,
Mahatma Gandhi Salai, Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Vellore.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,



4. The Executive Office-Cum-Fit Person,
Arulmigu Vilvanthaeswarar Thirukoil,
Thiruvalam, Katpadi Taluk,
Vellore District.

.. Respondents

PRAYER: This Petition is filed under Section 114 read with order XLVII Rule 1 of C.P.C, to review the order dated 16.12.2022 in C.M.P.No.21760 of 2022 in W.A.SR.No.130790 of 2022.

For Petitioner : Mr.J.Ramesh

For Respondents : Mr.NRR.Arun Natarajan,
Special Government Pleader (HR&CE)

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

This petition is filed by the applicant seeking to review the order dated 16.12.2022 passed by this court in dismissing the petition in CMP.No.21760 of 2022 in WA.SR.No.130760 of 2022.

2.According to the applicant, originally, they had filed a writ petition bearing No.16001 of 2020 challenging the order dated 01.07.2020 passed by the



first respondent under section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in R.P. No.141 of 2019 thereby confirming the eviction proceedings dated 21.01.2019 initiated by the second respondent under section 78 of the Act, treating the applicant as encroacher of the temple property in S.No.248/10 of Sannathi Street. By order dated 30.04.2021, the said writ petition came to be dismissed, without hearing the applicant. Feeling aggrieved, stating that due to Covid -19 Pandemic period, the counsel and the review applicant / writ petitioner were not in a position to communicate each other, as they are hailing from a remote area and hence, they were unable to attend the court proceedings through VC, the applicant preferred a writ appeal in SR No.130760 of 2022, along with the petition in CMP.No.21760 of 2022 praying to condone the delay of 185 days in filing the same. The condone delay petition came to be dismissed vide order dated 16.12.2022. Seeking to review the said order, this application has been filed before this court.

3. The learned counsel appearing for the Applicant submitted that the copy application was made on 22.08.2022 and the certified copy of the order dated 30.04.2021 was made ready on 13.10.2022. Thereafter, the applicant filed a writ appeal on 21.11.2022. In this process, there was a delay of 38 days occurred.



Whereas the Registry has wrongly calculated the delay period as 185 days. It is also submitted that the learned Judge proceeded to dismiss the writ petition without hearing the applicant and hence, an ex parte order was passed in the writ petition. When the same was sought to be challenged by filing an appeal along with condone delay petition, which also, came to be dismissed by order dated 16.12.2022. Therefore, the learned counsel sought to review the order passed by this court, by granting an opportunity to the applicant to contest the matter on merits.

4. On the above submissions, we have heard the learned Special Government Pleader appearing for the respondents, who has no serious objection for allowing this review application.

5. Considering the facts and circumstances of the case, more particularly, during the covid-19 pandemic, through Video conference, the learned Judge has taken up the writ petition for consideration and ultimately, dismissed the same, without hearing the applicant, and having regard to the submissions made by the learned counsel on either side and in order to provide an opportunity to the applicant to contest the matter on merits, this court is inclined to review the order



dated 16.12.2022 passed by this court in CMP.No.21760 of 2022 in WA.SR.No.130790 of 2022. Accordingly, the same is set aside and the delay in filing the appeal is condoned. Registry is directed to number the writ appeal, if it is otherwise in order.

6. With the aforesaid directions, this review application stands disposed of.

No costs.

[R.M.D., J.] [D.B.C., J.]
01.12.2023

Index : Yes / No
Internet : Yes / No

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