



W.P. No. 29371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

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

W.P. No. 29371 of 2023

and

W.M.P. No. 29001 and 29003 of 2023

D.Jeevanathan

... Petitioner

-VS-

1. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Villupuram.
2. The Assistant Commissioner /Executive Officer
Arulmigu Angalamman Thirukoil
Melmalayanur
Villupuram District.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Villupuram District.
4. The Inspector
Hindu Religious and Charitable Endowments Department
Gingee
Villupuram District.
5. Vijaya Samundeeswari
6. Santhanam
7. Senthilkumar
8. Devaraj
9. Ramalingam
10. Selvam
11. Saravanan
12. Vadivel
13. D.Annamalai Poosari
14. P.Selvaraj Poosari
15. S.Chandran Poosari
16. D.Poongavanam
17. D.Raja Poosari
18. Sivakumar Poosari
19. R.Elumalai Poosari
20. Ramesh Poosari



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21. Ganesan Poosari
22. Selvam Poosari
23. Mani Poosari
24. Sekar Poosari

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to order dated 06.04.2022 made in O.A. No. 06 of 2019 dated 06.04.2022 on the file of the First Respondent and quash the same.

For Petitioner : Mr. P.Vinoth Kumar
For Mr. J.Chandran Sundar Sashikumar

For Respondents : Mr. N.R.R.Arun Natarajan (RR1 to 4)
Special Government Pleader

Mr. C.Uma Shankar (R5)

Mr. M.Selvam (R6)

ORDER

Heard Mr. P.Vinoth Kumar, Learned Counsel for the Petitioner; Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader, who takes notice for the First to Fourth Respondents; Mr. C.Uma Shankar, Learned Counsel, who takes notice for the Fifth Respondent and Mr. M.Selvam, Learned Counsel, who takes notice for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by order dated 06.04.2022 in O.A. No. 6 of 2019 had modified the scheme framed for the administration of Arulmigu Angalamman Thirukoil at Melmalayannur Village in Villupuram District in the exercise of powers under Section 64(5) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the HR & CE Act' for short) on an application made by the Fifth Respondent, which is challenged



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by the Petitioner in this Writ Petition.

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3. It is not in dispute that the Petitioner was entitled to prefer an appeal against the said order under Section 69(1) of the HR & CE Act before the Commissioner, Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu (hereinafter referred to as 'the Commissioner' for short) within 60 days from the date of receipt of a copy of that order, but he had applied for a certified copy of the said order only on 13.09.2022 after the expiry of limitation and the same had been furnished to him on 15.09.2022. It has been held by the Hon'ble Supreme Court of India in ***Ganesan -vs- Commissioner, Tamil Nadu 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 filing of appeal before the Statutory Authorities and Tribunals provided in a special or local law. That apart, the Hon'ble Supreme Court of India in ***Assistant Commissioner (CT) LTU, Kakinada -vs- Glaxo Smith Kline Consumer Health Care Limited*** [(2020) 19 SCC 681] has emphatically laid down that the High Court in the exercise of powers under Article 226 of the Constitution of India ought not to entertain Writ Petition assailing the order passed by a Statutory Authority



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which was not appealed against within the maximum period of limitation before the concerned Appellate Authority. In view of that legal position, it is not possible to entertain this Writ Petition challenging the order of the First Respondent, 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 Commissioner to exercise powers of *suo motu* revision conferred under Section 69(2) of the HR & CE 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.

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

No costs.

12.10.2023

Maya

NCS : Yes/No

Index: Yes/No

Note: Issue order copy by 31.10.2023.



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To

1. Joint Commissioner
Hindu Religious and Charitable Endowments Department
Villupuram.
2. The Assistant Commissioner /Executive Officer
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Melmalayanur
Villupuram District.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Villupuram District.
4. The Inspector
Hindu Religious and Charitable Endowments Department
Gingee
Villupuram District.

Copy to

The Commissioner
Hindu Religious and Charitable Endowments Department
Nungambakkam
Chennai – 600034.



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P.D. AUDIKESAVALU, J.

Maya

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Dated : 12.10.2023