



W.P.(MD).No.18018 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.18018 of 2023

V.Pandurengan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious Charitable and Endowments Department,
No.119, Uthamar Gandhi Road, Thousand Lights,
West Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious Charitable and Endowments Department,
No.306, TNHB Colony, Ellis Nagar,
Madurai – 625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in N.Dis.No.33627/2023/D2 dated 27.06.2023 and quash the same as illegal and unconstitutional and consequently directing the 1st respondent to take on file the Revision Petition filed by the petitioner dated 23.06.2023 under Section 21 of Tamil Nadu Hindu Religious Charitable and Endowment Act, 1959 and to dispose the same within the time stipulated by this Court.



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For Petitioner : Mr.F.Deepak

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader.

ORDER

This Writ Petition is filed to quash the order dated 27.06.2023 with a consequential direction to the 1st respondent to take on file and dispose of the Revision Petition filed by the petitioner dated 23.06.2023 under Section 21 of Tamil Nadu Hindu Religious Charitable and Endowment Act, 1959.

2. The petitioner preferred a petition before the second respondent Joint Commissioner and the same was ordered on 02.12.2022, but the copy was received that order on 17.12.2022. Aggrieved over, he has preferred revision petition before the first respondent. The petitioner ought to have preferred revision within 90 days that is on or before 17.03.2023. But the petitioner fails to file a revision within the prescribed period of 90 days. Hence, the petitioner has filed a revision with condone delay petition under Section 5 of the Limitation Act, 1963. Since the revision is filed beyond the period of prescribed limitation, the respondents had returned the papers. The reason cited by the petitioner is that the petitioner's application was dismissed by the Joint Commissioner for not producing the audit report. Thereafter, the petitioner



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filed an application under RTI and sought an audit report in order to substantiate the case. The audit report was received on 18.03.2023. Hence, there was a delay in filing the revision.

3. Therefore, this Court is of the considered opinion that the petitioner has explained the reason for delay, which is acceptable. Hence, the impugned order is quashed. The petitioner is directed to resubmit the revision along with the order of this Court. The respondents shall number it and hear the case on merits without insisting on limitation.

4. In view of the above, this Writ Petition is allowed in above terms. There shall be no order as to costs.

26.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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