



W.P.(MD).No.23819 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.23819 of 2023

R.Karuppasamy

... Petitioner

Vs.

The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
B1 Road, Ellis Nagar,
Madurai-625 016,
Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to accept and take up the Original Application filed by the petitioner on 16.11.2022 in O.A.No.5 of 2021 which was returned by the respondent on 21.06.2023 and dispose the same within stipulated period as per the order passed by this Court on 20.03.2019 in W.P.(MD).No.12185 of 2017.

For Petitioner : Mr.C.Guhaseela Rupan

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



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ORDER

This Writ Petition is filed for Writ of Mandamus, to direct the respondent to accept the Original Application filed by the petitioner on 16.11.2022 in O.A.No.5 of 2021 which was returned by the respondent on 21.06.2023 and dispose the same as per the order passed by this Court on 20.03.2019 in W.P. (MD)No.12185 of 2017.

2. The contention of the petitioner is that the petitioner has preferred the said O.A.No.5 of 2021 with the huge delay of 120 days and hence the Joint Commissioner had returned the same.

3. This Court is of the considered opinion, since the Joint Commissioner is a quasi-judicial, Limitation Act is not applicable and section 5 application filed under Limitation act was returned by the Joint Commissioner. Hence, the Joint Commissioner is absolutely right in returning the application. However, under article 226 of the constitution of India, this Court has power to condone the delay. Therefore, the application which was filed to condone the delay of 120 days is allowed and the delay is condoned.



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4. The petitioner is directed to re-submit the main application within a period of four (4) weeks from the date of receipt of a copy of this order. The respondent is directed to accept the same and consider the case of the petitioner on merits within a period of four (4) months therefrom.

5. With these observations and directions, this Writ Petition is disposed of. There shall be no order as to costs.

29.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Sml

To

The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
B1 Road, Ellis Nagar,
Madurai-625 016,
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S.SRIMATHY, J.

Sml

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