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W.P. No. 5265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

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

W.P. No. 5265 of 2024

1. Rameshkolanchi

2. Baskar

3. Kalpana

4. Murugesan

5. Muruganantham

... Petitioners

-VS-

1. The Commissioner/Principal Secretary,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Cuddalore,
Cuddalore District.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ariyalur,
Ariyalur District.

4. The Executive Officer,
Office at Arulmigu Seneeswarar Temple,
Vanathirayanpattinam,
Udayarpalayam Taluk,
Ariyalur District.

Respondents

...



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to accept the Revision Petitions filed by the Petitioners in N. Dis. Nos. 161489, 161694, 161504, 161508, 161515/D2 dated 28.11.2023 and entertain the same.

For Petitioners : Mr. K.Balu
For Respondents : Mr. S.Ravichandran,
Additional Government Pleader

ORDER

Heard Mr. K.Balu, Learned Counsel for the Petitioners and Mr. S.Ravichandran, Learned Additional Government Pleader appearing for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Second Respondent has on 07.07.2023 by separate proceedings in Orders in Se. Mu. Na. No. 3104/2023/A4, Order in Se. Mu. Na. No. 3102/2023/A4, Order in Se. Mu. Na. No. 3104/2023/A4, Order in Se. Mu. Na. No. 3105/2023/A4 and Se. Mu. Na. No. 3121/2023/A4 directed the eviction of



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the Petitioners from the respective properties belonging to the Temple of the Fourth Respondent in their occupation under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the HR & CE Act' for short).

3. The Petitioners had preferred Revisions in N. Dis. Nos. 161489, 161694, 161504, 161508 and 161515/2023/D2 dated 20.11.2023 against the said orders under Section 21 of the HR & CE Act before the First Respondent, who declined to condone the delay in filing such delay beyond the permissible period of limitation referring to the Hon'ble Supreme Court of Indian in ***Ganesan -vs- Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Board*** [(2019) 7 SCC 108] by Proceedings in N. Dis. Nos. 161489, 161694, 161504, 161508, 161515/2023/D2 dated 28.11.2023, which is assailed in this Writ Petition.

4. It is not in dispute that the Petitioners were entitled to prefer Revisions against the said order under Section 21 of the HR & CE Act before the First Respondent within 90 days from the date of receipt of its copy, but such revision had been presented after the expiry of the period of limitation. It has been held by the Hon'ble Supreme Court of India in ***Ganesan -vs-***



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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 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 any authority to exercise *suo motu* powers of revision, if conferred by any law, for which there is no period of limitation prescribed, and which is without prejudice to any other remedy open to the aggrieved person in law.



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In the result, the Writ Petition is dismissed with the aforesaid clarifications. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.06.2024.

vjt

To

1. The Commissioner/Principal Secretary,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Cuddalore,
Cuddalore District.
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P.D. AUDIKESAVALU, J.

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