



CRP No.2891 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

CRP No.2891 of 2024 &
CMP.No.15376 of 2024

Shanmugam : Petitioner
versus

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem – 1.

2.The Executive Officer,
Arulmigu Sendraya Perumal Thirukoil,
Nambiyampatti,
Sankari Taluk,
Salem District. : Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to direct the Joint Commissioner, HR & CE, Salem, to number the petition filed by the petitioner in unnumbered I.A.No. of 2021 dated M.P.No.37 of 2021 and to dispose of the same within a time frame.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.N.R.R.Arun Natarajan,



CRP No.2891 of 2024

Special Government Pleader

WEB COPY

ORDER

This civil revision petition has been preferred for a direction to the Joint Commissioner, Hindu Religious & Charitable Endowments Department, Salem – 1, to number the application filed under Order IX Rule 13 of Code of Civil Procedure in M.P.No.37 of 2021 and dispose of the same within a time frame.

2. M.P.No.37 of 2021 was initiated before the Joint Commissioner, Hindu Religious & Charitable Endowments Department, Salem by the Executive Officer, Arulmigu Sendraya Perumal Thirukoil, Nambiyampatti, Salem District.

3. The civil revision petitioner was served with the summons but remained exparte. Consequently, the Joint Commissioner was left with no other option than to pass an order of eviction on 26.05.2021.

4. The civil revision petitioner claims the he had moved an application



CRP No.2891 of 2024

under Order IX Rule 13 of the Code of Civil Procedure seeking to set aside the exparte order. He claims that the said petition was received by the office of Joint Commissioner on 17.06.2021. He would plead that though an application has been pending for the past three years, no action has been initiated by the Joint Commissioner. Hence, this revision.

5. When the matter came up in the forenoon, I requested Mr.S.Sivakumar to serve the entire set of papers on Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for Hindu Religious & Charitable Endowments Department.

6. Mr.N.R.R.Arun Natarajan has got written instructions stating that pursuant to the order passed by the Joint Commissioner in M.P.No.37 of 2021, a fit person of Arulmighu Varadharaja Perumal Thirukoil had attempted to take possession of the property. The instructions would state that on 19.07.2024, the civil revision petitioner has paid a sum of Rs.5,204/- towards use and occupation of the property (damages) and had also given a representation seeking regularisation of his possession as a tenant under the



7. Be that as it may, I do not want to go into these aspects for a simple reason that it is possible that the civil revision petitioner could have given such a letter in order to continue his possession over the property and to save himself from the ignominy of being evicted. It is up to the Joint Commissioner to take a call on the said request of the civil revision petitioner.

8. Suffice it to state, for the disposal of this revision, the Joint Commissioner shall number the application filed to set aside the exparte order passed by him on 26.05.2021. The power that is exercised by the Joint Commissioner is a quasi judicial power. He has all the ancillary and incidental powers, which are not specifically prohibited by the Hindu Religious and Charitable Endowments Act and the Rules made thereunder. If he has the power to set a person “exparte”, he certainly retains the power to set aside the exparte order also, of course, on sufficient or good cause being shown.



CRP No.2891 of 2024

WEB COPY

9. The Joint Commissioner shall dispose of the application after numbering the same within a period of four weeks from the date of receipt of a copy of this Order. Before passing an order, the Joint Commissioner shall hear the Executive Officer of the Arulmigu Sendraya Perumal Thirukoil, Nambiyampatti, Salem District or such other officer who is currently holding charge of the said institution.

10. The civil revision petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

02.09.2024

nl

Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes/No

To

1. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,

Page 5 of 7



CRP No.2891 of 2024

WEB COPY

- Salem – 1.
- 2.The Executive Officer,
Arulmigu Sendraya Perumal Thirukoil,
Nambiyampatti,
Sankari Taluk,
Salem District.



WEB COPY



CRP No.2891 of 2024

V.LAKSHMINARAYANAN, J.

nl

CRP No.2891 of 2024

02.09.2024