



W.P.No.36566 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36566 of 2024

V.Durga

...Petitioner

Vs

1. The Secretary, Tourism,
Culture and Religious Endowments department,
Secretariat, Fort St. George, Chennai -600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uttamar Gandhi Salai, Nungambakkam, Chennai - 34
3. The Joint Commissioner, Chennai
office of the Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Uttamar Gandhi Salai, Nungambakkam, Chennai - 34.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34
5. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Chengalpattu-631 501.

6. Arulmigu Thirusoolanathar Thirukoil



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rep. by its executive officer,
Thirissoolam, Chennai - 600 043.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking for issuance of a writ mandamus, directing the first respondent to number the revision petition filed by the petitioner on 28.10.2022 before the first respondent, by condoning the delay of 214 days and consequently direct the respondents 2 to 6 not to dispossess the petitioner till the disposal of the revision petition.

For petitioner : Ms.H.Lucia Priyadarshini

For respondents : Mr. L.Karthikeyan,
Government Advocate

ORDER

This writ petition is filed seeking direction to the first respondent to number the revision petition filed by the petitioner, challenging the order passed by the second respondent dated 11.02.2022, by condoning the delay of 214 days.

2. It is not disputed that the third respondent initiated eviction proceedings against the petitioner under Section 78 of the HR & CE Act, which culminated in passing of eviction order on 01.06.2020. The



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said order was challenged by the petitioner by filing revision petition before the second respondent in R.P.No.143/2020. The said revision was dismissed by the second respondent on 11.02.2022. Aggrieved by the same, the petitioner filed a revision petition before the first respondent on 28.10.2022 with a delay of 214 days. Since the first respondent has no power to condone the delay under the Scheme of Act, the said revision was not numbered. Therefore, the petitioner has come before this court.

3. The learned counsel for the petitioner submitted that the petitioner is a poor and illiterate woman and she was not aware of statutory remedy of revision available before the first respondent and therefore, there was some delay in preferring the revision before the first respondent.

4. A perusal of the impugned order passed by the first respondent in the revision petition would indicate that the second respondent passed the order, dismissing the revision filed by the petitioner on 11.02.2022. The petitioner applied for copy application on 23.02.2022 and the same



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was furnished to the petitioner on 02.03.2022. However, the petitioner filed a revision before the first respondent only on 28.10.2022.

5. It is settled law ignorance of law is not an excuse. Hence only reason given by the petitioner for condoning the delay as if she was not aware of remedy of revision available to her under Section 114 of HR & CE Act is legally untenable. The petitioner, has not given any explanation for the delay of 214 days and her only contention is she is not aware of the legal remedy. Whether a person is illiterate or literate, he is presumed to be aware of all legal provisions. No person can plead ignorance of law as an excuse. In the absence of any other plausible explanation, this court is not in a position to exercise its discretion to condone the delay.

6. It is seen from the typed set of papers that the petitioner applied for certified copy of order and got the same as early as on 28.03.2022. However, in the affidavit filed in support of the writ petition, it was stated that the petitioner was not aware of the initiation of eviction proceedings by the Department. Having applied for certified copy of



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order and got the same as early as on 28.03.2022, it is not open to the petitioner to say she was not aware of initiation of eviction proceedings against her. Further, in para 15 and 16 of writ affidavit, she admitted that the subject property was sealed by officials on 28.06.2022. However, the petitioner filed revision only on 28.10.2022. Even after sealing of subject property, the petitioner cannot rely on her alleged illiteracy and contend that she was not aware of eviction proceedings. Therefore, the petitioner has not made out a case to condone the delay of 214 days in filing the revision petition and hence this court is not inclined to interfere with the order impugned in this writ petition.

7. Accordingly, this writ petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

10.12.2024.

Index : Yes / No
Internet : Yes / No
mst

To

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