



WEB COPY



W.P.Nos.25357 and 25396 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P. Nos.25357 and 25396 of 2018 and
W.M.P. Nos.29505 and 29550 of 2018**

S.Viswanathan

... Petitioner in both cases

Vs.

1.The Commissioner,
H.R. & C.E. Admn. Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.O.M.Ravi Rajini

3.Sornambal

4.Visalakshi

5.Ganapathi Subramaniam

6.Vijayabharathi

7.Santhini

8.Senthilkumar

9.Deva Senathibathi

... Respondents in both cases



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Prayer in both cases: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order dated 04.06.2018 passed in R.C. Nos.19009/2018 D2 and 19010/2018 D2 on the file of the first respondent herein and to quash the same.

For Petitioner in both cases : Ms.G.Sumitra

For Respondents in both cases : Mr.K.Karthikeyan,
Government Advocate (HR & CE)
for R1

No appearance for R2 to R9

COMMON ORDER

The petitioner has filed these writ petitions seeking issuance of Writ of Certiorari to call for the records relating to the order dated 04.06.2018 passed in R.C. Nos.19009/2018 D2 and 19010/2018 D2 on the file of the first respondent herein and to quash the same.

2.The case of the petitioner is that his father S.Sankara Gurukkal was appointed as a Hereditary Trustee of A/m.Mareswaraswamy Temple, situated at Omalur Taluk, Salem District by orders dated 23.11.1976 and 02.12.1970 passed in O.A. Nos.99 of 1976 and 194 of 1969 on the file of the Deputy Commissioner, HR & CE, Coimbatore. After his demise, the



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petitioner and respondents 3 to 9 have been running the administration of the temple. While so, the second respondent herein has filed R.C. Nos.19009/2018 D2 and 19010/2018 D2 before the Commissioner, H.R. & C.E. Admn. Department, Chennai, the first respondent herein for condoning the delay of 41 years and 14 days and 47 years and 5 days respectively in filing the Appeal Petitions, filed under Section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), challenging the above orders dated 23.11.1976 and 02.12.1970 passed in O.A. Nos.99 of 1976 and 194 of 1969 on the file of the Deputy Commissioner, HR & CE, Coimbatore. Since the above petitions filed for condoning the huge delay have been allowed, the petitioner is before this Court seeking the above prayer.

3.The learned counsel appearing for the petitioner submitted that originally the above orders have been passed in the year 1970 and 1976 in O.A. Nos.99 of 1976 and 194 of 1969 on the file of the Deputy Commissioner, HR & CE, Coimbatore. After a lapse of more than 40 years, the second respondent has filed R.C. Nos.19009/2018 D2 and 19010/2018 D2 for condoning the delay of 41 years and 14 days and 47 years and 5



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days respectively in filing the Appeal Petitions, filed under Section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, which were came to be allowed and the Appeal Petitions were numbered in A.P. Nos.44 and 45 of 2018 by the Commissioner, H.R. & C.E. Admn. Department, Chennai, the first respondent herein. Learned counsel for the petitioner further submitted that after a lapse of more than 40 years, the first respondent, entertaining the petitions filed by the second respondent, has condoned the huge delay in filing the Appeal Petitions and therefore, this Court may issue direction to the first respondent to dispose of A.P. Nos.44 and 45 of 2018 and to pass appropriate orders, within a reasonable time frame.

4.Considering the limited request made by the learned counsel appearing for the petitioner and considering the fact that there is no appearance on behalf of respondents 2 to 9 and also the fact that there is a dispute between the parties for appointment of Hereditary Trustees for a very long time, this Court directs the first respondent to dispose of A.P. Nos.44 and 45 of 2018, on merits and in accordance with law, after affording an opportunity to all the parties concerned and to pass appropriate



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orders, within a period of eight weeks from the date of receipt of a copy of this order.

5.These writ petitions are accordingly disposed of. Consequently, connected W.M.Ps are closed. No costs.

25.09.2024

vga
Speaking Order/ Non Speaking Order
Index: Yes/ No

To

The Commissioner,
H.R. & C.E. Admn. Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.



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M.DHANDAPANI,J.

vga

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