



W.P.(MD) Nos.27757 and 27758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.27757 and 27758 of 2024

and

W.M.P.(MD) Nos.23558 and 23560 of 2024

W.P.(MD) No.27757 of 2024:

Shanmugam

.. Petitioner

Vs.

The Assistant Commissioner,
HR & CE Department,
Office of the HR & CE Department,
Kumbakonam, Thanjavur District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in Na.Ka. No. 1095/2015-1/A7, dated 12.11.2024 and to quash the same as illegal and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.Deenadhayalan



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For Respondent : Mr.P.Subbaraj
Special Government Pleader

W.P.(MD) No.27758 of 2024:

Sivadas .. Petitioner

Vs.

The Assistant Commissioner,
HR & CE Department,
Office of the HR & CE Department,
Kumbakonam, Thanjavur District. .. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in Na.Ka. No. 1095/2015-1/A7, dated 12.11.2024 and to quash the same as illegal and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

In both W.Ps.

For Petitioner : Mr.S.Deenadhayalan

For Respondent : Mr.P.Subbaraj
Special Government Pleader



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have filed a revision under Section 21 of the Act before the Commissioner, Hindu Religious and Charitable Endowment Department and the same has also been rejected in the year 2015 itself and the same has been suppressed by the petitioners in filing these writ petitions. He also relied upon a judgment of the Hon'ble Apex Court in ***Ganesan Vs. The Commissioner, Tamil Nadu Hindu Religious and Charitable Endowment Board and others*** reported in **2019 3 CTC 469** and contended that Limitation Act does not apply to the provisions of the Hindu Religious and Charitable Endowments Act and therefore, the time line given in the statute could not be extended by allowing an application to condone the delay. Since the orders of Section 78 and Section 21 have been passed in the year 2015, there is no remedy for the petitioners to file a further revision against this order by invoking the powers of the Government under Section 114 of the Act.

4. At this juncture, the learned counsel for the petitioners would indicate that revenue proceedings with regard to the nature of the land is pending before the revenue authorities also.



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5. Since already the petitioners have exercised their right under Section 21 of the Act as early as in the year 2015, I do not find any infirmity in the order impugned herein. But however, considering the fact that the lands in question have also been occupied by other individuals, who are paying regular rents to the Swamimalai Temple, Kumbakonam, if the petitioners want to continue their possession, they can pay the monthly rent as fixed by the Department like other occupiers of adjacent lands.

6. The learned Special Government Pleader would indicate that the rent with respect to other occupiers have been fixed at Rs.3,500/- per month.

7. In such case, if the petitioners pay a sum of Rs.1,750/- (One Thousand Seven Hundred and Fifty Rupees only) each per month starting from November, 2024, the possession shall stand protected. It is made clear that the rent be paid on or before 5th of every succeeding month.



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8. With regard to the claim of arrears, the petitioners shall make a representation to the Deputy Commissioner, who is the Executive Officer of the Swamimalai Temple, Kumbakonam, within a period of two weeks from today (21.11.2024) and when such representation is made, the said authority shall consider the request of the petitioners with regard to the payment of arrears within a period of four weeks thereafter.

9. With the aforesaid direction, these writ petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.11.2024

Note: Issue order copy by 25.11.2024.

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The Assistant Commissioner,
HR & CE Department,
Office of the HR & CE Department,
Kumbakonam, Thanjavur District.



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K.KUMARESH BABU, J.

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Dated: 21.11.2024