



W.P.No.8285 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.8285 of 2025

V.SUNDARAMOORTHY

... Petitioner

Vs

1. THE COMMISSIONER
H.R & C.E.,
NO. 119, UTTAMAR GANDHI SALAI,
NUNGAMBAKKAM,
CHENNAI - 600 034.

DEVARAJU GOUNDER (DECEASED)
CHINNASAMY (DECEASED)

2. C.ARUL SENTHILKUMAR
3. C. AZILARASI
4. C. MURUGAN
5. KASTURI

6. THE JOINT COMMISSIONER, HR & CE,
COLLECTORATE OFFICE CAMPUS,
VILLUPURAM - 605 602.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, direct the first respondent to consider and take the appeal filed in N.Dis.No.1147837/2024/D2 dated 07.01.2025 under



W.P.No.8285 of 2025

Section 69(2) of the Tamil Nadu Hindu Religious & Charitable Endowments Act and dispose of the same in accordance with law within a time frame fixed by this Court.

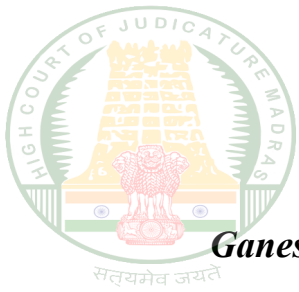
For Petitioner : Mr.G.Surya Narayanan
For R1 & R6 : Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition is filed directing the first respondent to consider and take up the appeal filed in N.Dis.No.1147837/2024/D2 dated 07.01.2025 under Section 69(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act and dispose of the same in accordance with law within a time frame fixed by this Court.

2. The petitioner is aggrieved by the recognition of the private respondents as the hereditary trustees. However, the appeal was not filed in time. Therefore, the impugned orders have been passed stating that the appeal is barred by limitation.

3. The matter is no longer res integra, as the Honourable Supreme Court has laid down in *Ganesan, represented by its power agent G.Rukmani*



W.P.No.8285 of 2025

Ganesan vs. Commissioner, Tamil Nadu Hindu Religious and Charitable

WEB COPY

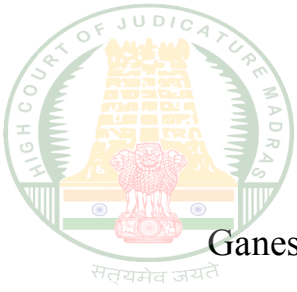
Endowments Board and others¹ that the authorities do not have the power to condone the delay. However, in an appropriate case, they may choose to exercise the *suo motu* revision under Section 69(2) of the Act.

3. The learned counsel appearing on behalf of the petitioner submits that even in the appeal grounds, it has been specifically argued that the authority may choose to exercise the power under Section 69(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act. The learned counsel further submits that in this case, even the claim of the grandson is *per se* ought not to have been considered and this is a fit case for the exercise of *suo motu* power.

4. In view of the rival submissions made and considering the material records of the case, this writ petition is disposed of at the admission stage without notice to the private respondents and in view of the following order that is passed.

5. In view of the judgment of the Honourable Supreme Court of India in

¹ (2019) 7 SCC 108



W.P.No.8285 of 2025

Ganesan, cited supra, the appeal cannot be directed to be taken on file and disposed of, as it was filed after the mandatory limitation period. However, the petitioner will be entitled to make a fresh representation requesting the first respondent, the Commissioner, to exercise *suo motu* power under Section 69(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act within a period of two weeks from the date of receipt of the web copy of this order. As and when, the same is received, it shall be considered on its own merits by the first respondent in accordance with law, and appropriate orders will be passed within a period of sixteen weeks from receipt thereof.

6. With the above directions, this writ petition stand disposed of. No costs.

11.03.2025

Neutral Citation: Yes/No
nsl

D.BHARATHA CHAKRAVARTHY, J.

nsl



W.P.No.8285 of 2025

To
WEB COPY

1. THE COMMISSIONER
H.R & C.E.,
NO. 119, UTTAMAR GANDHI SALAI,
NUNGAMBAKKAM,
CHENNAI - 600 034.
2. THE JOINT COMMISSIONER, HR & CE,
COLLECTORATE OFFICE CAMPUS,
VILLUPURAM - 605 602.

W.P.No.8285 of 2025

11.03.2025