



Writ Petition No.22542 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.06.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22542 of 2025

and

W.M.P.Nos.25368 & 25400 of 2025

G.Kaliyamoorthi
S/o.Govindhan

Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Office of the Commissioner HR & CE Admn.
Department, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Nagapattinam.

3.Arulmigu Kalluli Mariyamman Temple,
Vennavasal Village, Needamangalam Taluk,
Thiruvarur District.

4.D.Thirugnanasambantham
S/o.Duraisamy

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the impugned order dated 01.07.2024 made in P.M.No.9086/2022/E2 on the file of



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Joint Commissioner, HR& CE, Nagapattinam, the first respondent herein
and quash the same.

For Petitioner : Mr.J.Nandagopal
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader [R1 to R3]

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 01.07.2024.

2. Heard Mr.J.Nandagopal, learned counsel for petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents 1 to 3.

3. The fourth respondent was appointed as the hereditary trustee of the third respondent temple by virtue of the order passed by the second respondent. Aggrieved by the same, the petitioner filed an appeal before the first respondent. However, the appeal was filed with delay. The first respondent has returned the papers on the ground that the first respondent does not have the power or jurisdiction to condone the delay in filing the appeal. It is under these circumstances, the present writ



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petition came to be filed before this Court.

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4. The first respondent does not have the power to condone the delay in filing the appeal by virtue of the judgment of the Apex Court in ***Ganesan v. Commissioner and others [2019 (3) CTC 469]***.

5. The issue involved in the present writ petition pertains to the petitioner questioning the appointment of the fourth respondent as the hereditary trustee. This issue has to be dealt with on going through the facts and considering the materials relied upon by the second respondent. It will be more appropriate if the first respondent deals with this issue since the scope of going into the facts of the case is very limited in a writ petition. Hence, this Court exercises its extraordinary jurisdiction under Article 226 of the Constitution of India and condones the delay and the petitioner is directed to represent the papers before the first respondent within a period of one (1) week from the date of receipt of a copy of this order. The first respondent shall thereafter deal with the appeal on its own merits and in accordance with law after affording opportunity to the fourth respondent and final orders shall be passed within a period of four

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(4) months from the date of receipt of the appeal papers represented by the petitioner.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

24.06.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To
1.The Commissioner,
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Office of the Commissioner HR & CE Admn. Department,
Chennai - 600 034.

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