



W.P.No.15449 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 29.04.2025

CORAM:

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

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N.THULASIDAS

... Petitioner

Vs

1. THE SECRETARY TO GOVERNMENT OF TAMILNADU,
TOURISM, CULTURE AND RELIGIOUS
ENDOWMENTS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 600 009.
2. THE COMMISSIONER OF HINDU RELIGIOUS AND
CHARTIABLE ENDOWMENTS (A) DEPARTMENT,
UTHAMAR GANDHI SALAI,
NUNGAMBAKKAM,
CHENNAI - 600 034.
3. THE JOINT COMMISSIONER OF HINDU RELIGIOUS AND
CHARTIABLE ENDOWMENTS (A) DEPARTMENT,
VILLUPURAM - 605 302,
VILLUPURAM DISTRICT.
4. THE INSPECTOR OF HINDU RELIGIOUS &
CHARTIABLE ENDOWMENTS (A) DEPARTMENT,
MYLAM ROAD,
TINDIVANAM - 604 001,
VILLUPURAM DISTRICT.
5. N. MANIKANDAN

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the third respondent herein to review



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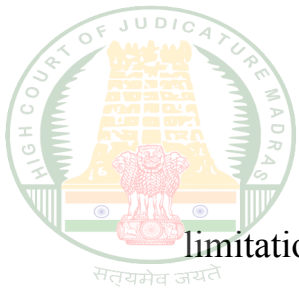
its order dated 18.07.2024 made in E.M.Na.Ka.No.3213/2024/E2/ and remove the fifth respondent from the hereditary-ship and appoint the petitioner as the Hereditary Trustee to Poyyamozhi Vinayagar Thirukkoil at Theevanur Village, Tindivanam Taluk, Villupuram District by considering the Petitioner's representation dated 26.07.2024 and subsequent legal notice dated 05.11.2024 issued on his behalf.

For Petitioner : Mr.T.Dhanasekaran
For R1 to R4 : Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition is filed seeking a direction to the third respondent to review the order dated 18.07.2024 made in E.M.Na.Ka.No.3213/2024/E2/ and to remove the fifth respondent from hereditary trusteeship and to appoint the petitioner as the Hereditary Trustee of Arulmighu Poyyamozhi Vinayagar Thirukkoil at Theevanur Village, Tindivanam Taluk, Villupuram District.

2. By the said order dated 18.07.2024, the fifth respondent was recognised as the hereditary trustee. If the petitioner is aggrieved by the appointment of the fifth respondent as hereditary trustee, he ought to have filed a revision before the first respondent within the limitation period. It is well settled that the first respondent has no power to condone the delay. Once the

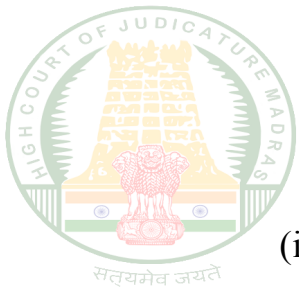


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limitation period has expired, the only remedy available is to make a representation to the second respondent for exercise of *suo motu* review powers. However, not every error or circumstance warrants *suo motu* review. Only if the facts and circumstances are fit enough, the second respondent may choose to invoke that power.

3. This apart, the other allegations that are mentioned by the petitioner is the fifth respondent has since suffered disqualification and engaged in misconduct. If disqualification has occurred, a request for review of recognition does not arise. An application under Section 26 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959 can be made to the Joint Commissioner, bringing to notice about any disqualification and the Joint Commissioner will pass further orders. Similarly, if there is misconduct on the part of the hereditary Trustee, a separate complaint can be made and the same will be enquired into by the Assistant Commissioner. If factual truth is established, further action will be taken in accordance with law.

4. In view of the above, this writ petition is disposed of on the following terms:-



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(i) It would be open to the petitioner to make a representation to the first

respondent with reference to the recognition of the fifth respondent as hereditary trustee by an order dated 18.07.2024 and to bring to the notice of the second respondent, the grounds on which such appointment is incorrect.

(ii) It is for the second respondent to consider whether the circumstances warrant exercise of *suo motu* review powers. The decision of the second respondent, whether or not to exercise such power, shall be communicated to the petitioner within twelve weeks from the date of the petitioner's representation.

(iii) With reference to other grievances such as disqualification or misconduct, the petitioner can make appropriate applications before the relevant authority either the Joint Commissioner or the Assistant Commissioner. If such applications are made, they shall be considered on their own merits and appropriate orders shall be passed in accordance with law. No costs.

29.04.2025

Neutral Citation: Yes/No
nsl



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