



W.P.No.17417 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.17417 of 2021
and W.M.P.Nos.18479 and 18482 of 2021

K.Karuppayee

... Petitioner

VS.

1.The Commissioner

The Hindu Religious and Charitable Endowments Dept.,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner

The Hindu Religious and Charitable Endowments Dept.,
Trichy.

3.The Assistant Commissioner

The Hindu Religious and Charitable Endowments Dept.,
Pudukottai.

4.The Executive Officer,

Arulmigu Kasi Viswanathaswamy Thirukoil,
Agavayal Taluk, Pudukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to condone the delay in filing Revision Petition and directing the 1st respondent to number the Revision Petition returned on 13.08.2021 in N.Dis.No.58985/2021.



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For Petitioner : Mr.Prathik Y.Jain
for M/s.V.Manohar

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

The Writ Petition is filed seeking a direction to the 1st respondent to number the revision petition filed by the petitioner in N.Dis.No.58985/2021, dated 13.08.2021.

2. It is the case of the petitioner that the property with an extent of 5042 sq.ft., in Survey No.7/17, Agavayal Village, Thirumayam Taluk, Pudukottai District, belongs to the 4th respondent/temple and petitioner has been in possession and enjoyment of the same as a lessee. It is also stated that the petitioner has been paying rent properly to the 4th respondent/temple without any arrears. The 4th respondent sent a communication to the petitioner on 30.03.2018 fixing fair rent at Rs.7,350/- from 01.07.2016. It is stated by the petitioner that fair rent was fixed without notice to her. The petitioner submitted a representation before the 4th respondent seeking revision of the fair rent, which was allegedly fixed unilaterally. In the



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meantime, the 2nd respondent initiated proceedings against the petitioner under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in M.P.No.47/2019 and passed an order for eviction on 04.10.2019. Aggrieved by the same, the petitioner filed a revision on 13.08.2021 during covid lock down period. It is stated by the petitioner that she could not file a revision before the 1st respondent within the time allowed under the law due to her advance age related illness. It is also stated that the petitioner has been taking treatment for her age related illness and therefore, there was a delay of 72 days in filing revision even after excluding the covid lock down period. The 1st respondent returned the revision filed by the petitioner on the ground that he has no power to condone the delay. Therefore, the petitioner has come before this Court seeking condonation of delay and necessary direction to 1st respondent to number the revision.

3. In the affidavit filed in support of the writ petition, it was asserted by the petitioner that she was aged about 65 years and suffering from age related illness. In view of the said reason, the petitioner failed to file revision in time. In the preamble portion of the affidavit, the age of the



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petitioner is mentioned as 65 years. Further, no counter affidavit has been filed by the respondents denying the assertion made by the petitioner in the writ petition with regard to her illness and medical treatment.

4. Taking into consideration, the reason given by the petitioner for delay in filing the revision and also the length of delay, this Court is inclined to take liberal approach and condone the delay in filing revision. Accordingly, the petitioner is directed to represent the returned revision papers before the 1st respondent within a period of three weeks from the date of receipt of copy of this order, after curing all the defects. The 1st respondent is directed to number the revision and dispose of the same in accordance with law, if the revision papers are otherwise in order.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

20.01.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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S.SOUNTHAR, J.

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