



WEB COPY

WP No. 26272 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 26272 of 2025

AND

WMP NO. 29573 OF 2025

1. R.Ramalinga Naicker
S/o.Rudhratcha Naicker, Kadambadi
Village, Thirukazhukundram Taluk,
Chengalpattu District.

Petitioner(s)

Vs

1. The Commissioner
Hindu Religious And Charitable
Endowments Department,
Nungambakkam, Chennai- 600 034.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issue of writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings in N.Dis No.1472810/ 2025/ D2, dated 25.04.2025, on the file of the respondent herein and to quash the same and to direct the respondent to consider the Appeal in Sr. No. 1472810 of 2025 on the file of the respondent, condone the delay in filing the above Appeal and hear and decide the Appeal on merits as per law, and pass orders.



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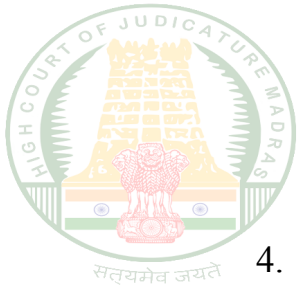
For Petitioner(s): Mrs.G.Sumitra
For Respondent: Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent dated 25.04.2025 and for a direction to the respondent to deal with the appeal filed by the petitioner on merits and pass orders within the time frame fixed by this Court.

2. Heard Mrs.G.Sumitra, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for respondents.

3. The case of the petitioner is that he filed MP No.10 of 2022 before the Joint Commissioner of HR&CE, Kancheepuram, under Section 54(1) of the Hindu Religious and Charitable Endowments Act (hereinafter called as the “Act”) and the same was dismissed by an order dated 18.12.2024. Aggrieved by the same, an appeal was filed before the respondent under Section 54(4) of the Act. The same was not entertained by the respondent on the ground that the appeal has been filed beyond the period of 30 days. Aggrieved by the same, the present writ petition has been filed before this Court.



4. On carefully going through the affidavit filed in support of the writ petition, it is seen that there was sufficient reason for the petitioner for filing the appeal with delay. However, the respondent does not have the power to condone the delay in the light of the judgement of the Hon'ble Supreme Court. Hence, this Court is inclined to exercise its discretion under Article 226 of Constitution of India and condone the delay and direct the respondent to deal with the appeal on its own merits and in accordance with law.

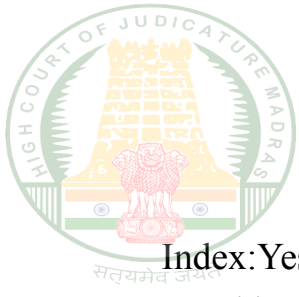
5. In view of the above, the impugned proceedings of the respondent dated 25.04.2025 is hereby quashed. There shall be a direction to the respondent to take the appeal on file and deal with the same on its own merits and in accordance with law after affording opportunity to all the parties concerned.

6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

7. The Registry is directed to return back the original impugned proceedings of the 1st respondent in order to enable the petitioner to represent the papers.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner

Hindu Religious And Charitable

Endowments Department,

Nungambakkam, Chennai- 600 034.



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N.ANAND VENKATESH J.

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