



Writ Petition No.31022 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31022 of 2025

and

W.M.P.No.34755 of 2025

S.S.S.Sundaram
S/o.Subramani

... Petitioner

vs.

- 1.The Secretary (HR & CE),
Department of HR & CE,
Secretariat, Chennai.
- 2.The Commissioner (HR & CE),
Office of the Hindu Religious & Charitable Endowments,
Chennai.
- 3.The Deputy Commissioner (HR & CE),
Office of the Hindu Religious & Charitable Endowments,
Kancheepuram - 600 034.
- 4.The Executive Officer (HR & CE),
Arulmigu Kandaswamy Thirukoil,
Thiruporur Taluk,
Chengalpattu District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records of the impugned order dated 29.05.2025 passed in M.P.No.406 of 2023 by the third respondent and quash the same.



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Writ Petition No.31022 of 2025

For Petitioner : Mr.K.Duraimurugan

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

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 29.05.2025 under Section 78 of the Hindu Religious and Charitable Endowment Act, 1959, [hereinafter referred to as 'the Act'] wherein the petitioner has been directed to vacate and hand over possession of the property within a period of 30 days failing which steps will be taken under Section 79(1) of the Act to take possession of the property.

2. Heard Mr.K.Duraimurugan, learned counsel for petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents.

3. In the considered view of this Court, it is not necessary for this Court to exercise its discretion under Article 226 of the Constitution of India since the petitioner has an effective and alternative remedy of filing a revision before the Commissioner, Hindu Religious and Charitable Endowment Department, under Section 21 of the Act. The



Writ Petition No.31022 of 2025

petitioner has to necessarily file the revision before the Commissioner, Hindu Religious and Charitable Endowment Department. Hence, liberty is granted to move the revision before the Commissioner, Hindu Religious and Charitable Endowment Department.

4. The petitioner ought to have filed the revision before the Commissioner, Hindu Religious and Charitable Endowment Department, within a period of 30 days. However, that period has already expired. The Commissioner, Hindu Religious and Charitable Endowment Department, does not have the power to condone the delay. Therefore, there shall be a direction to the Commissioner, Hindu Religious and Charitable Endowment Department, to entertain the revision and deal with the same on its own merits and in accordance with law without rejecting the same on the ground of limitation. The petitioner shall file the revision before the Commissioner, Hindu Religious and Charitable Endowment Department, within a period of one (1) week from the date of receipt of a copy of this order. Final orders shall be passed by the Commissioner, Hindu Religious and Charitable Endowment Department, within a period of eight (8) weeks thereafter.

N.ANAND VENKATESH, J



Writ Petition No.31022 of 2025

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5. Registry is directed to return the original order to the learned

counsel for the petitioner in order to enable the petitioner to file a revision before the Commissioner, Hindu Religious and Charitable Endowment Department.

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

19.08.2025

Note : Issue order copy on 20.08.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1.The Secretary (HR & CE),
Department of HR & CE, Secretariat, Chennai.

2.The Commissioner (HR & CE),
Office of the Hindu Religious & Charitable Endowments,
Chennai.

3.The Deputy Commissioner (HR & CE),
Office of the Hindu Religious & Charitable Endowments,
Kancheepuram - 600 034.

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Writ Petition No.31022 of 2025