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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 31347 of 2025
and WMP No. 35247 of 2025**

M.Thamizhselvi

Petitioner(s)

Vs

1. The Commissioner
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road
Thousand Lights West,
Nungambakkam, Chennai 600 034

2.The Joint Commissioner
Chennai Region - 1,
H.R. & C.E Department
68 E.V.K Sampath Maaligai
9th Floor, DPI Campus, College Road,
Chennai 600 006

3.The Assistant Commissioner
Chennai Region - 1,
H.R. & C.E Department
68 E.V.K Sampath Maaligai
9th Floor, DPI Campus, College Road,
Chennai 600 006



4. The Executive Officer

Arulmigu Bhasyamgara Adhi Chenna

Kesava Perua Thirukovil,

West Mamabalam

Chennai 600 033.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned return sheet in N.Dis.No.21113/2023 and S. No.08 of the return Sheet dated 03.05.2023 insofar the column and quash the same and consequently direct first respondent to number the unnumbered revision petition in Revision Petition S.R.No.N.Dis.No.21113 of 2023 filed by the petitioner dated 24.02.2023 by condoning the delay in filing the revision petition and dispose the same on merits within a time frame that may be fixed by this Court.

For Petitioner(s): Mr.S.T.Bharath Gowtham

For Respondent(s): Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition has been filed challenging the impugned return sheet dated 03.05.2023, insofar as refusing to entertain the revision on the ground that the revision petition is barred by limitation.



2. Heard Mr.S.T.Bharath Gowtham, learned counsel appearing on behalf of the petitioner and Mr.K.Karthikeyan, learned Government Advocate appearing on behalf of the respondents.

3.The petitioner has filed a revision against fixation of fair rent before the 1st respondent with a delay of nearly four years. The 1st respondent refused to entertain the revision on the ground that the revision is barred by limitation and that the 1st respondent does not have the power to condone the delay.

4.In the considered view of this Court, the 1st respondent does not have the power to condone the delay by virtue of the judgement of the Apex Court in Civil Appeal No.4582 of 2019 dated 03.05.2019.

5.This Court in appropriate cases was exercising its discretion under Article 226 of the Constitution of India and condoning the delay wherever it is found to be reasonable and was giving directions to the Commissioner to deal



with the case on its own merits and in accordance with law. This exercise of discretion is done in appropriate cases and it is not exercised across the Board.

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In the case in hand, there is nearly a delay of four years in filing the revision.

Such unreasonable delay cannot be condoned by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. This is more so since the original authority viz., the Commissioner does not have the power to condone the delay and this Court cannot sit in the position of a Commissioner and condone the delay. The case in hand does not deserve exercise of any discretionary powers and this Court does not find any merits in this case.

6. Accordingly, this writ petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

22-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



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N.ANAND VENKATESH J.

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