



W.P.No.495 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.495 of 2024 and
WMP No.596 of 2025

1. A.Chellappan
2. A.ShadhikBasha
3. Kasiyammal
4. Muniyammal

... Petitioners

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Villupuram, Villupuram District.
3. The Executive Officer,
Arulmighu Muthuvinayagar @ Mottai Vinayagar Thirukoil,
Avalurpet, Gingee Taluk,
Villupuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 20.11.2024 made in



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N.Dis.Nos.1015311, 1015295, 1015288 and 1015276/ 2024/ D2 passed by the first respondent and quash the same and consequently direct the first respondent to entertain the revision petitions dated 14.11.2024 filed by the petitioners before the first respondent by condoning the delay in filing the revision petitions and to dispose the same on merits in accordance with law.

For Petitioners : Mr.V.R.Appaswamee

For Respondent : Mr.K.Karthikeyan, Government Advocate

ORDER

This writ petition is filed, challenging the order of return passed by the first respondent, refusing to entertain the revision petition filed by the petitioners, challenging the order of eviction against them in a proceeding under Section 78 of the HR & CE Act, on the ground that the revision is filed beyond the time limit and by virtue of order passed by the *Hon'ble Supreme Court in Civil Appeal No.4582/2019, dated 03.05.2019 reported in 2019(7) SCC 108*, the first respondent has no power to condone the delay.

2. The learned counsel for the petitioners, by taking this court to



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the affidavit filed in respect of the writ petitions submits that the petitioners 1, 3 and 4 are senior citizens and are having health issues. It is further submitted by him that all the petitioners are illiterate persons and they are not aware of the eviction order issued by the respondents and hence, revision was not filed before the first respondent, within a time allowed under law.

3. It is settled law that ignorance of law is not an excuse and it cannot be considered as sufficient cause for condoning the inordinate delay of nearly two years for filing the revision petition. Eviction orders against the petitioners have been passed on various dates, namely 30.07.2022, 08.09.2022, 06.08.2022. However, revision petitions were filed by them only on 14.11.2024 and there is a delay of more than two years in filing the revision petition. The said lengthy delay, cannot be condoned merely on the averments made by the petitioners that they are ignorant of their rights and the consequences of the eviction orders. Therefore, the petitioners have not made out sufficient cause for condoning the delay in filing the revision petitions. Further, a perusal of the affidavit filed by the petitioners and the typed



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set of papers would indicate that the petitioners denied the title of the temple over the subject property. In such circumstances, as per Section 79(2) of HR & CE Act, remedy is available to the petitioners before the civil court, disputing the title of the temple. Therefore, the remedy for the petitioners is to file a civil suit before the competent court under Section 79(2) of HR & CE Act, subject to law of limitation. The revision filed by the petitioners before the Commissioner of HR & CE Act is not an appropriate remedy, as the Commissioner cannot go into the question of title, by virtue of specific provision under Act, enabling the aggrieved parties to get a remedy in a civil proceedings. Therefore, this court is not inclined to issue any direction to the first respondent to entertain the Revision petition filed by the petitioners, which has been filed beyond the period of limitation. Further, the same is not maintainable, in view of the specific stand taken by the petitioners, denying the title of the temple.

4. Accordingly, all the writ petitions are dismissed, with a liberty



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to the petitioners to explore remedy available under law before the civil court. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
mst

To

1. The Commissioner,
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S.SOUNTHAR, J.

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