



W.P.No.973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.973 of 2025 and
WMP No.1196 of 2025

J.Raji

... Petitioner

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 15.11.2024 made in N.Dis.Nos.1005229/2024/D2 passed by the first respondent and quash



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the same and consequently direct the first respondent to entertain the revision petition dated 11.11.2024 filed by the petitioner 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 Petitioner : Mr.V.R.Appaswamee

For Respondents : 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 petitioner, challenging the order of eviction against him in proceedings 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 petitioner, by taking this court to the affidavit filed in respect of the writ petition, submits that the petitioner is a senior citizen and is having health issues. It is further



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submitted by him that the petitioner is an illiterate person and he is 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 delay of more than 15 months in filing the revision petition. Eviction order against the petitioner has been passed on 28.07.2023. However, revision petition was filed by him only on 11.11.2024. Such a length of delay, cannot be condoned merely on the averment made by the petitioner that he is ignorant of his rights and the consequences of eviction orders. Therefore, the petitioner has not made out sufficient cause for condoning the delay in filing the revision petition. Further, a perusal of the affidavit filed by the petitioner and the typed set of papers would indicate that the petitioner 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 petitioner before the civil court, disputing the title of the temple. Therefore, the remedy for the



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petitioner 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 petitioner 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 petitioner, as the same has been filed beyond the period of limitation. Further, as stated above, the same is not maintainable, in view of the specific stand taken by the petitioner, denying the title of the temple.

4. Accordingly, this writ petition is dismissed, with a liberty to the petitioner to explore the remedy available under law before the civil court. There shall be no order as to costs. Connected miscellaneous petition is closed.

24.01.2025

Index:Yes/No
Internet:Yes/No
mst



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To
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S.SOUNTHAR, J.

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