



W.P. No.42345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P. No.42345 of 2025

and

W.M.P. No.47335 of 2025

S.Vivekanandan
S/o.K.Santhanam,
No.47/11, Muniappa Nagar 1st Street,
Nerukundram, Chennai-600 107.

Vs

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

2.The Joint Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowments Department,
Kancheepuram.

3.The Assistant Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowments Department,
Chengalpattu.

4.The Executive Officer
Arulmigu Sri Vedhagiriswarar Temple,
Thirukazhukundram,
For Fit Person of Rajagopal Chettiar



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Chathiram,
Thirukazhukunram-603 109.

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5.The Executive Officer,
Arulmigu Varadharaja Perumal
Thirukkcoil, Kancheepuram.

6.The Executive Officer,
Arulmigu Ekambaranathar Thirukkcoil,
Kancheepuram.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to number and entertain the Revision petition filed by the petitioner herein dated 21.04.2025 and return the same in N.Dis.No.1632467/25/D2 dated 30.06.2025.

For Petitioner(s)	: Mr.D.Rajagopal
For Respondent(s) 1 to 3	: Mr.K.Karthekeiyan Government Advocate
For Respondents(s) 4 to 6	: Mr.R.Bharanidharan Standing Counsel

ORDER

Heard Mr.D.Rajagopal, the learned counsel for the petitioner.

2. The petitioner claims to be the great grandson of one Rajagopal Chettiar who had executed a registered will dated 06.02.1950, registered as Document No.9 of 1950 in the Office of the Sub-Registrar, Walajabad, bequeathing his



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properties to legal heirs and also earmarking portions of the income from specific properties for performance of certain religious charities in three Temples namely Arulmigu Sri Vedhagiriswarar Temple at Thirukazhukundram, Sri Ekambaranathar Temple at Kancheepuram and Sri Varadharaja Swamy Temple at Kancheepuram. After the demise of said Rajagopal Chettiar, dispute arose and a person named Ramesh through the female line of succession filed a writ petition in W.P.No.26641 of 2012 claiming that properties of Rajagopal Chettiar in fact which were earmarked for performing religious charities, were not religious endowments. The writ petition was disposed of by this Court with a direction to the Joint Commissioner, HR & CE Department to determine the character of properties of late Rajagopal Chettiar under Section 63(c) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as “the Act”).

3. The grievance of the petitioner is that the writ petitioner did not disclose the other legal heirs and the beneficiaries of Rajagopal Chettiar under the registered will. The Joint Commissioner, subsequent to the order passed in the writ petition, proceeded to hold that the properties were religious endowments falling within the definition of the Act. The writ petitioner filed an appeal in A.P.No.22 of 2014 under Section 69 of the Act, however, the said appeal came to dismissed as abated with the death of said writ petitioner in the year 2014. It is

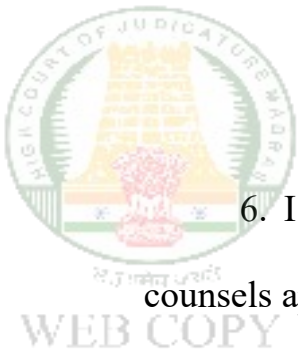


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thereafter, the 4th respondent has been appointed as Executive Officer of Arulmigu Sri Vedhagiriswarar Temple on 12.01.2023. On coming to know about the said appointment and the proceedings initiated in the earlier writ petitions, petitioner sought for copies of the earlier orders to enable him to file a regular appeal and pursue the remedy that was initially taken by the writ petitioner in A.P.No.22 of 2014, which was dismissed on account of the death of writ petitioner as dismissed as abated. However, the Joint Commissioner refused to give copies of earlier orders to the petitioner. Petitioner therefore challenged the order of Joint Commissioner under Section 21 invoking the revisional powers. The said revision petition was not numbered on account of delay in filing the revision and that too after appointing the 4th respondent as Executive Officer.

4. The learned counsel for the writ petitioner would submit that the writ petitioner is not a party to the impugned proceedings, therefore, there is no question of delay being put against the writ petitioner in filing the writ petition. He would take me through the affidavit filed in support of the writ petition.

5. Per contra, the learned Government Advocate for the respondents would submit that the Joint Commissioner has no power to condone delay and has therefore rightly returned the revision as not maintainable.



6. I have carefully considered the submissions advanced by the learned counsels appearing on either side.

7. It is an admitted position that the writ petitioner is not a party to the earlier proceedings and it is the specific contention that suppressing the existence of other legal heirs and beneficiaries under the registered will of Rajagopal Chettiar, one of the beneficiaries of Rajagopal Chettiar, claiming through the female line of succession, had alone filed a writ petition. Subsequent to the order passed in writ petition in W.P.No.26641 of 2012, the Joint Commissioner has determined the character of the properties under Section 63(c) of the Act and held that the properties were religious endowments under Section 6(17) of the Act. The writ petitioner aggrieved by the said determination of character of the properties, filed an appeal in A.P.No.22 of 2014, however, pending appeal the writ petitioner died on 29.6.2014 and therefore, the appeal filed by the writ petitioner was dismissed as abated.

8. After a lapse of about 9 years, a fit person was appointed on 12.01.2023. Coming to know about the same, the petitioner has sought for certified copies of earlier proceedings to enable the petitioner to file a regular appeal, however, certified copies have been refused by the Joint Commissioner and on account of the same, the petitioner straight away filed a revision petition under Section 21(1)



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of the Act. Even, the said revision was not entertained on the ground that the same was filed beyond the statutory period of three months and that the Joint Commissioner has no power to condone the delay.

9. The petitioner not being a party to the earlier proceedings and not also being furnished with copies of earlier orders has been prevented from challenging the orders in accordance with law by filing a regular appeal.

Invoking the revisionary power of the 1st respondent, the petitioner therefore filed a revision petition. However, the same came to be dismissed. Delay cannot be put against the writ petitioner in view of the peculiar facts and circumstances of the case. The 1st respondent ought to have numbered the revision and taken the revision on file without putting delay against the petitioner and ought to have disposed of the same on merits and in accordance with law. The revision petitioner was incapacitated to file an appeal or challenge the orders within time, for want of certified copies, especially not even being a party to the earlier proceedings.

10. In the light of the above, there shall be a direction to the 1st respondent to entertain the revision petition without putting the delay against the petitioner



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and decide the revision petition on merits and in accordance with law, after affording a fair opportunity to the petitioner and other interested parties.

11. Accordingly, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
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P.B.BALAJI, J.

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