



W.P No. 50399 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-12-2025

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 50399 of 2025

Ravi
S/o Ramasamy,
Gangaikondacholapuram Post
Udayarpalayam Taluk, Ariyalur District 612 901

..Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowments
Department Chennai 34.
2. The Joint commissioner
Hindu Religious and Charitable Endowments
Department Chennai 34.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department Ariyalur District.
4. The Executive officer
Arulmighu Sri Brhadeeswarar Temple,
Gangaikondacholapuram, Ariyalur district

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records pertaining to N. Dis No. 221024 / / D, dated 25.11.25 passed by the 1st respondent and to quash the same as illegal and incompetent and consequently direct the 1st respondent to number and dispose the revision petition.



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For Petitioner :

Mr.D.Lakshmipathy
for Mr.C.Ramaraj

For Respondents :

Mr.Karthikeyan
Government Advocate

Order

The petitioner is in occupation of an extent of 0.07.89 Ares at Gangaikondacholapuram, Udayarpalayam Taluk, Ariyalur District. The fourth respondent asserted title to the said property as it had been benefitted with Patta under the Inam proceedings. Since the petitioner resisted the title, the fourth respondent approached the second respondent by way of a petition under Section 78 of the Hindu Religious and Charitable Endowments Act (hereinafter referred to as HR&CE Act) . The second respondent sent summons to the petitioner and as there was no response from him, he proceeded to pass an order of eviction on 02.03.2024.

2. The petitioner alleges that during the relevant time he had been to Kerala so as to eke out a living as coolie. On his return to Gangaikondacholapuram, he was made aware of the order. Immediately, he approached the first respondent by way of a revision invoking Section 21 of the HR&CE Act.



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3. The Commissioner returned the papers holding that he does not have the powers to condone the delay in terms of Section 21(7) of the HR&CE Act. Aggrieved by the same, the present writ petition.

4. I heard Mr.D.Lakshmiipathy for the petitioner and Mr.Karthikeyan, Government Advocate for the respondents.

5. My attention was drawn to Paragraph 4 of the affidavit filed in support of the writ petitioner wherein the petitioner has stated that the petitioner is not interested to contest the revision under Section 21 on merits. He admits to the title of the fourth respondent and only seeks the benign interference of the first respondent to fix the fair rent for the property.

6. Mr.Karthikeyan states that in terms of an order of the Supreme Court, the Commissioner, HR&CE Department does not have jurisdiction to condone the delay. He states that if the petitioner files an affidavit before the Commissioner, HR&CE Department, in the event of this Court setting aside the order, the Commissioner will consider the plea of the petitioner and fix the fair rent for the property.



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7. I have carefully considered the submissions of both sides and gone through the records.

8. Though the order has been passed as early as in 2024, an order can be challenged only if it is duly communicated to a party. The petitioner pleads, from 2023 till 2025, he was not aware of the order since he was away in Kerala. He has specifically pleaded so in Paragraph 6 of the affidavit filed in support of the writ petitioner. The Commissioner ought to have considered the legal plea of the petitioner that he could file an appeal only from the date of knowledge of the order and not from the date of passing of the order. Furthermore, as the petitioner has filed an affidavit pleading that he admits to the title of the temple and requires only the fair rent to be fixed, I am inclined to consider the writ petition. Accordingly, the writ petition is disposed of in the following terms.

- a) The order returning the revision is set aside. The first respondent shall number the revision petition filed under Section 21 of the HR&CE Act.
- b) This order is subject to the petitioner filing an affidavit before the Commissioner, HR&CE Department that he is admitting to the title of the fourth respondent and is only seeking the interference of the Commissioner insofar as the fixing of the fair rent is concerned.



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c) In case the petitioner does not file an undertaking affidavit as aforesaid, this order will not enure in favour of the petitioner.

9. With the above directions, this writ petition is disposed of. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

To

1. The Commissioner
Hindu Religious and Charitable Endowments
Department Chennai 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments
Department Chennai 600 034.
3. The Assistant Commissioner
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V.LAKSHMINARAYANAN J.

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