



W.P.(MD)No.12520 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.05.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.12520 of 2025
and
W.M.P(MD)Nos.9114 & 9115 of 2025

T.Kumar Pandian @ Sri Kumar Pandian

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road, Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul, Dindigul District.

3.S.Muthurajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned order Dated 30.10.2024 vide O.Mu.No.675942/2024/A2 passed by the 1st Respondent and consequential proceedings of 2nd respondent vide Na.Ka.No.9836/2024/A1 and quash the same and in consequence direct the 1st respondent to decide the representation of this petitioner dated 27.06.2024 within the stipulated time as fixed by this Court.



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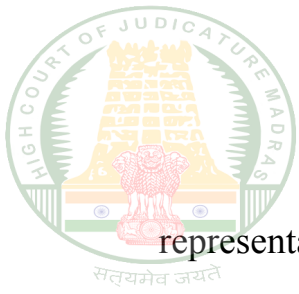
For Petitioner : Mr.B.Rajesh Saravanan
For R1 & R2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 : Mr.A.Naresh Prabu

ORDER

Heard the learned counsel for the parties.

2. The grievance of the petitioner is that the petitioner, aggrieved by the appointment of the 3rd respondent by the 2nd respondent, has approached the 1st respondent with a representation, dated 27.06.2024 to take action. In and by the said representation, the petitioner had requested the 1st respondent to exercise suo motu revisional power and set aside the order of the 2nd respondent. However, the 1st respondent has chosen to forward the said representation of the petitioner to the 2nd respondent and the proceedings are pending on the file of the 2nd respondent.

3. According to the learned counsel appearing for the petitioner, when the petitioner had chosen to challenge the order passed by the 2nd respondent, the 1st respondent ought to have decided the matter himself without forwarding the



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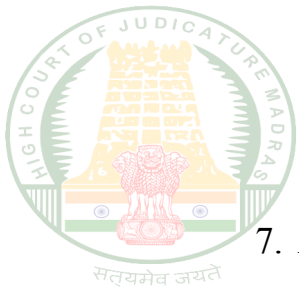
representation of the petitioner to the 2nd respondent, who himself had passed

the order which was under challenge.

4. The learned counsel for the 3rd respondent would submit that the petitioner had only sought for the 1st respondent to exercise suo motu powers available under the provisions of the Hindu Religious and Charitable Endowments Act (hereinafter referred as “Act”) and therefore, the petitioner is not competent to prefer an appeal at this point of time considering the fact that only 30 days period is made available under Section 54 (2) of the Act for filing an appeal before the Commissioner in the event of the party being aggrieved by any order of the Deputy Commissioner or Joint Commissioner.

5. The learned Additional Government Pleader would submit that the petitioner has to invoke the statutory remedy available under the Act and he cannot simply give a representation and seek issuance of a mandamus of such representation thereafter.

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



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7. Admittedly, the petitioner is aggrieved by the appointment of the 3rd

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respondent by the Joint Commissioner. Section 54 of the Act provides for an appeal to be preferred by any aggrieved party by an order of the Joint Commissioner or the Deputy Commissioner under sub-section 3 of section 54 within one (1) month from the date of receipt of the order by him. The appeal lies to the Commissioner. The petitioner has not preferred any statutory appeal as provided under Section 54 (4) of the Act. The contention of the learned counsel for the petitioner is that the petitioner is not a party to the said order and hence, he was not in a position to prefer an appeal within a period of 30 days.

8. Be that as it may be, petitioner is aggrieved by the order passed by the Joint Commissioner. As any person aggrieved is entitled to prefer an appeal under section 54 (4) of the Act, the petitioner is entitled being bringing himself “any person aggrieved by an order of a Joint Commissioner”. Considering the fact that the petitioner has already given a representation to the 1st respondent way back on 27.06.2024, delay shall not be put against the petitioner. The petitioner is given liberty to prefer a statutory appeal under section 54 (4) of the Act, within a period of two (2) weeks from the date of receipt of copy of this order and any such appeal being filed by the petitioner, shall be decided by the Commissioner alone, within a period of twelve (12) weeks thereafter.



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9. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.05.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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To:

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road, Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul, Dindigul District.



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P.B.BALAJI, J.

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