



W.P(MD)No.14095 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14095 of 2025

and

W.M.P.(MD)No.10216 of 2025

K.Baskaran

... Petitioner

Vs.

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

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

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Perambalur District.

4.The Executive Officer,
A/m.Sutharathneshwar Temple,
Uttathur, Lalgudi Taluk,
Trichy District.

5.D.Thangavel Odayar

6.M.Pounraj



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7.S.Elangovan

8.Ezhil Kennedy

9.Thangarasu

(R9 is impleaded by this Court
vide order dated 07.10.2025
in W.M.P.(MD)No.21623 of 2025)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings in R.C.No. 55354/2022 D2, dated 06.01.2025, on the file of the 1st respondent herein, and to quash the same.

For Petitioner : Mr.M.Abdul Majeed

For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R1 to R3
: Dr.Ramesh Mahadev
for R4
: Mr.S.Ramsundarvijayraj
for R5
: Mr.N.Anandakumar
for R7 & R8
: No appearance for R6
: Mr.O.R.Gokul Abimanyu
for R9



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ORDER

Heard both sides.

2. The petitioner's father Thiru.Karuppu Udaiyar was functioning as Trustee of the petition mentioned temple in terms of the compromise decree dated 27.07.1999 made in O.S.No.471 of 1986 on the file of the Sub Court, Trichirappalli. Thiru.Karuppu Udaiyar passed away. Thereafter, the petitioner herein filed M.P.No.463 of 2019 before the Joint Commissioner, HR & CE, Trichirappalli and got his name entered as hereditary trustee.

3. According to the contesting respondents, the writ petitioner cannot claim the status of the hereditary trustee. They therefore filed an appeal before the Commissioner of HR & CE. The Commissioner, HR & CE vide order dated 06.01.2025 allowed the appeal petition and set aside the order dated 31.10.2020 passed by the Joint Commissioner, HR & CE, Trichirappalli.

4. It is not in dispute that the Joint Commissioner, HR & CE passed an order only under Section 54(1) of the Tamil Nadu HR & CE Act, 1959. An appeal before the Commissioner of HR & CE was filed under Section 54 of the Act. Section 54(4) of the Act reads as follows:-

“(4) Any person aggrieved by an order of 1[the Joint Commissioner or the Deputy Commissioner, as the case may be], under sub-section (3) may, within one



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month from the date of receipt of the order by him, appeal against the order to the Commissioner.”

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The provision clearly reads that an appeal must be filed within one month from the date of receipt of the order. The appellants before the Commissioner of HR & CE have nowhere averred that they had received an order in question on a particular date and that the appeal was filed within time.

5. From the record, one can notice that appeal was filed before the Commissioner after a lapse of two years. There is nothing on record to show that an appeal was filed within time. The learned counsel for the petitioner draws my attention to the decision of the Hon'ble Supreme Court reported in **2019 (7) SCC 108 (Ganesan vs. Commissioner of Tamil Nadu HR & CE Board)**. The Hon'ble Supreme Court had held that Section 5 of the Limitation Act will not apply to the appeal proceedings before the Commissioner.

6. From the aforesaid decision, one can safely conclude that the Commissioner does not have the power to condone the delay in filing the appeals/ revisions. Of-course, this has no application to exercise of suo motu power under Section 69(2) of the Act. The case on hand is not one of exercising the suo motu power by the Commissioner. The jurisdiction of the Commissioner was exercised only at the instance of the appellants who are the



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private respondents herein. Since the appeal could not have been entertained due to expiry of the limitation period prescribed in Section 54 of the Act, the order impugned in the writ petition is liable to be set aside as bereft of jurisdiction.

7. The writ petition is allowed. It is needless to mention that the aggrieved parties are at liberty to challenge the order of the Joint Commissioner in the manner to law. No costs. Consequently, connected miscellaneous petition is closed.

07.10.2025

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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