



W.P.(MD) No.19133 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.19133 of 2025

N.S.Lenin

... Petitioner

/vs./

- 1.The Special Commissioner,
Hindu Religious and Charitable and Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai.
- 2.The Regional Joint Commissioner,
Hindu Religious and Charitable and Endowment Department,
Sachithananda Mooppanar Salai,
Thanjavur 613 001.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable and Endowment Department,
Pudhukottai.
- 4.The Executive Officer,
Arulmigu Kalyana Ramasamy Temple,
Meemisal,
Pudhukottai District.



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5.Chellathurai

*(R1 has been suo motu impleaded vide order
dated 15.07.2025)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for records of the second respondent in R.P.No.1 of 2025, dated 11.07.2025 and quash the same as illegal and arbitrary.
(the prayer has been suo motu amended vide order dated 15.07.2025)

For Petitioner : Mr.V.S.Kumara Guru

For R1 to R4 : Mr.SS.Madhavan
Additional Government Pleader

For R4 : Mr.G.Mathavan
standing counsel

ORDER

Mr.SS.Madhavan, learned Additional Government Pleader takes notice for the respondents 1 to 4 and Mr.G.Mathavan, learned standing counsel takes notice for the fourth respondent.

2.Challenging the order passed by the second respondent, dated 11.07.2025, the writ petition has been filed.



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3.The petitioner had approached the second respondent against the order, dated 05.07.2024, passed by the third respondent/the Assistant Commissioner, Pudhukottai, whereby, the fifth respondent was appointed as non hereditary trustee, by invoking Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, (*herein after referred to as Act*).

4.In fact, the petitioner had challenged the aforesaid order before this Court in W.P.(MD) No.21275 of 2024. Incidentally, the petitioner had also filed O.A.No.36 of 2024 under Section 64(1) of the Act for framing a Scheme before the second respondent.

5.On 06.09.2024, this Court dismissed the said writ petition with liberty to file a Revision against the order, dated 05.07.2024, passed by the third respondent exercising power under Section 49(1) of the Act.

6.The petitioner was categorically directed to file a Revision Petition before the Commissioner. Despite the same, the petitioner has filed R.P.No.1 of 2025 before the second respondent/the Regional Joint Commissioner, who has now



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passed an order, dated 11.07.2025 and has dismissed R.P.No.1 of 2025 stating that the Revision Petition is not maintainable before the second respondent against the order of the third respondent, dated 05.07.2024.

7.Since the Revision Petition was filed before the wrong forum, it was incumbent on the part of the second respondent to have transmitted the same to the first respondent/the Commissioner to pass appropriate orders. Instead, the second respondent has dismissed the Revision, vide order dated 11.07.2025.

8.Considering the above, the impugned order, dated 11.07.2025 passed by the second respondent/the Joint Commissioner is quashed and the case is remitted back to the second respondent to transfer the same to the first respondent/the Commissioner, who in turn, shall consider the case files and pass appropriate orders afresh on merits and in accordance with law. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



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9. With the aforesaid directions, the Writ Petition stands allowed. No costs.

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Internet : Yes / No

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C.SARAVANAN, J.

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