



W.P.(MD).No.21426 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.21426 of 2024

S.Sureshkumar

... Petitioner

-VS-

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai,
Madurai District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Madurai North,
Madurai District.

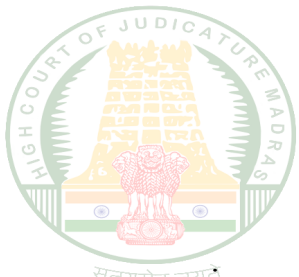
3.The Inspector,
Hindu Religious and Charitable Endowments,
Madurai North,
Madurai District.

4.P.C.Chandran

5.V.V.Madhavan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the



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impugned proceedings in A.Thi.Mu.3764/2024/E1, dated .07.2024 signed on 12.07.2024 by the 1st respondent and quash the same and consequently direct the 1st respondent to restore the O.A.No.19 of 2021 and hear the OA on its merits within the time limit as fixed by this Court.

For Petitioner : Mr.V.R.Shanmuganathan
For Respondents : Mr.K.S.Selvaganesan,
Addl. Govt. Pleader (R1 to R3)

ORDER

This writ petition has been filed challenging the impugned proceedings in A.Thi.Mu.3764/2024/E1, dated .07.2024 signed on 12.07.2024 by the 1st respondent, thereby returned the condone delay petition, since the HR&CE Department is not empowered to condone the delay, and seeking a consequential direction to the 1st respondent to restore the O.A.No.19 of 2021 and hear the OA on its merits within the time limit as fixed by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself. Considering the nature of the order going to be passed in this writ petition, notice to the private respondents is dispensed with.



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3. Relying on the order of this Court dated 17.02.2022 passed in WP(MD)No.3019 of 2022 and batch, the learned counsel appearing for the petitioner would pray that a similar order may be passed in this writ petition also.

4. This Court, in WP(MD)No.3019 of 2022 batch, dated 17.02.2022, held as follows:-

“15. No prejudice will be caused if the application under Section 21 of the HR&CE Act, filed by the petitioner for revision of the order. If the second respondent is entertained beyond the period of limitation, provided the other condition regarding pre-deposit arrears of rent is made by them before the first respondent Commissioner in terms of Section 34 A of the Hindu Religious and Charitable Endowments Act, 1959.

16. Considering the same, I am inclined to allow these writ petitions by directing the first respondent to pass appropriate orders on merits and in accordance with law, subject to the respective petitioners complying with the other requirements of the Section 34 A of the Hindu Religious and Charitable Endowments Act, 1959. The petitioners are therefore directed to deposit the arrears of rent within 45 days from the date of receipt of copy of this



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order. If such deposit has not been already made and file a proof before the first respondent. On such deposit/filing of proof, the application filed by the respective petitioners shall be numbered and disposed on merits and in accordance with law thereafter.

17. Needless to state that before passing such order, the petitioner shall also be heard in person or through an authorised representative as per the protocol placed on account of the outbreak of Covid-19 pandemic. No costs. Consequently, connected Miscellaneous Petitions are closed.”

5. Thus, in this case also, no prejudice will be caused to the first respondent, if the application under Section 21 of the HR&CE Act, for revision of the order is considered by the first respondent beyond the period of limitation. In view of the same, the impugned order dated 12.07.2024 passed by the first respondent is set aside and the matter is remitted back to the first respondent and the first respondent is also directed to pass appropriate orders on merits and in accordance with law, subject to the petitioner complying with the other requirements under Section 34A of the Hindu Religious and Charitable Endowments Act, 1959. It is also made clear that the petitioner shall be heard in person or through an authorised representative before passing any orders as aforesaid.



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6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

18.03.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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Madurai District.
- 2.The Assistant Commissioner,
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- 3.The Inspector,
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VIVEK KUMAR SINGH, J.

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Order made in
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