IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 22828 of 2026

Jayabal
S/o.Gurunathan ..Petitioner

Vs

1. The Commissioner,
   Hindu Religious and Charitable Endowments Department,
   No.119, Uthamar Gandhi Salai,
   Chennai - 600034.

2. The Deputy Commissioner (Legal Cell),
   Hindu Religious and Charitable Endowments Department,
   No.119, Uthamar Gandhi Salai,
   Chennai - 600034.

3. The Joint Commissioner,
   Hindu Religious and Charitable Endowments Department,
   Mayiladuthurai District, Mayiladuthurai.

4. The Deputy Commissioner/Executive Officer,
   Arulmighu Swaminatha Swami Thirukoil,
   Swamimalai, Kumbakonam Taluk,
   Thanjavur District, Thanjavur.

5. The Assistant Commissioner,
   Hindu Religious and Charitable Endowments Department,
   Kumbakonam, Thanjavur District,
   Thanjavur. ..Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records in respect of the return proceedings passed by the second respondent in N.Dis.No.2445010/2026/D2, dated 11.02.2026 and quash the same and direct the first respondent to receive, number and dispose of the revision petition filed by the petitioner on merits within a time frame.

For Petitioner : Mr.T.Shanmugam

For Respondents : Mr.D.Yashwanth Rajan

ORDER

Challenge was made against the impugned order passed by the second respondent dated 11.02.2026 in N.Dis.No.2445010/2026/D2 and consequential direction to the first respondent to receive, number and dispose of the revision petition filed by the petitioner on merits within the stipulated time.

2. The learned counsel appearing for the petitioner submitted that originally the petitioner's foster father namely Sarangapani Padayachi was the cultivating tenant of the agricultural land situated in Kumbakonam Town in T.S.No.830/1 with an extent of 0.73 Cents and T.S.No.1512 with an extent of 0.48 Cents which was leased out by the fourth respondent. Apart from that, the petitioner's foster father constructed a small house in the eastern portion of the above land and resided in Door No.19 along with his wife, petitioner, petitioner's wife and children. On 09.08.1976 Sarangapani Padayachi executed a settlement deed in favour of the petitioner with respect to the house and the leasehold rights. Subsequently, on 18.03.1977 the Additional Tahsildar/Record Officer recorded this petitioner as cultivating tenant. Also, the Special Tahsildar, Kumbakonam granted house patta to the petitioner vide order bearing

R.C.No.79865/A10/78, dated 11.10.1978. The Regional Deputy Tahsildar, Kumbakonam granted joint patta to the petitioner along with Temple for T.S.No.830/1 and T.S.No.830/3. While so, the fourth respondent filed a suit for permanent injunction as against the petitioner in O.S.No.221 of 2003 on the file of the II Additional District Munsif-cum-Judicial Magistrate, Kumbakonam and the same was dismissed by a judgment and decree dated 31.07.2008 against which the fourth respondent filed A.S.No.12 of 2009 on the file of the Additional Subordinate Judge, Kumbakonam which was also dismissed on 02.11.2011 and it has become final. However, the fourth respondent has filed a vexatious application under Section 78 of the Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as HR & CE Act) before the third respondent seeking to vacate the petitioner from the agricultural land by alleging that the petitioner had cut down all the trees and sold it and the said application was numbered as O.A.No.265 of 2014 in which an order was passed on 06.02.2025 without considering the judgment and decree passed by the Trial Court and the Appellate Court that the fourth respondent failed to prove the petitioner as a trespasser.

3. The learned counsel appearing for the petitioner submitted that the order was passed by the third respondent on 06.02.2025 and the same was received by the petitioner only on 09.01.2026 against which the revision was filed on 05.02.2026 which was well within 90 days time as prescribed under

Section 21 of the HR & CE Act. Therefore, the impugned return proceedings passed by the third respondent is to be quashed.

4. The learned Government's Counsel (HR & CE) appearing for the respondents submitted that in the present case initially the order of the third respondent dated 06.02.2025 was sent by RPAD and the same was returned on 28.02.2025 with an endorsement "no such addressee". Subsequently, the petitioner made an application through his representative on 14.11.2025 and thereafter, the order copy was served on the petitioner on 09.01.2026.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Upon hearing both sides and on perusal of the documents, it appears that the order of the third respondent dated 06.02.2025 was sent by RPAD and the same was returned with an endorsement "no such addressee". However, the petitioner is living in the same address. In the event, if the tapal was refused by the petitioner, the endorsement would be "refused by the addressee" and the limitation would arise from the date of refusal, but the same was returned with an endorsement "no such addressee". Therefore, for the purpose of filing a revision, the period of limitation would be calculated from the date on which the order copy is received by the petitioner as prescribed under Section 21 of the

HR and CE Act. In the present case, the order of the third respondent was received by the petitioner on 09.01.2026 and the revision was filed on 05.02.2026 which is well within the time prescribed under Section 21 of the HR and CE Act. Therefore, the return proceedings passed by the second respondent dated 11.02.2026 citing the reason that the revision was filed beyond the period of three months time as prescribed under Section 21 of the HR and CE Act is unsustainable in law and the same is to be quashed.

7. In view of the above, this Writ Petition is allowed. The impugned return proceedings dated 11.02.2026 passed by the second respondent in N.Dis.No.2445010/2026/D2 is quashed. The petitioner is directed to re-present the revision which was returned by virtue of the impugned order dated 11.02.2026. Upon re-presentation, the second respondent is directed to take the same on record and dispose of the same in accordance with law as early as possible preferably within in a period of twelve (12) weeks from the date of re-presentation of the revision. No costs.

18-06-2026

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

KRISHNAN RAMASAMY, J.

SRM

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