



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 14.11.2025

Order pronounced on : 09.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.No.44126 of 2025

& WMP.No.49234 of 2025

N.Balusamy
2.R.Kuppusamy
3.P.Balasubramani
4.R.K.Alagiyannan

... Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

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

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

4.S.Gomathi
5.S.Thangavel



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6.S.Rani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned order bearing N.Dis.2034429/2025/D2 dated 30.09.2025 and quash the same and consequently direct the 1st respondent to entertain the appeal filed by the petitioners dated 23.09.2025 and 13.05.2025 in accordance with law.

For Petitioners : Mr.G.Ilamurugu

For Respondents : Mr.K.Karthikeyan
Government Advocate for RR1 to 3
Mr.M.Murugesan for RR4 to 6

ORDER

The petitioners have filed the instant writ petition for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 30.09.2025 on the file of the 1st respondent and to consequently entertain the appeal referred by the petitioners on 23.09.2025.

2.I have heard Mr.G.Ilamurugu, learned counsel for the revision petitioners and Mr.K.Karthikeyan, learned Government Advocate for the respondents 1 to 3 and Mr.M.Murugesan, learned counsel for the



respondents 4 to 6.

3.It is the contention of the petitioners that Arulmigu Muniyappa Swamy Temple owns immovable properties in and around Ellapatti, Maambarai, Dindigul District and the temple is governed by the provisions of the Tamil Nadu Hindu Religious and Charitable Endowment Act. The 2nd petitioner was appointed as a non-hereditary trustee under Section 49(1) of the Act, by proceedings dated 05.07.1993. Similarly, other trustees, Kaliya Gounder, Palanisamy and Karuppuswamy were also appointed as non-hereditary trustees for the said temple. The 2nd respondent however appointed respondents 4 to 6 as hereditary trustees, based on the recommendations of the 3rd respondent vide proceedings dated 22.02.2023.

4.The allegation of the petitioners is that the said appointment was without any notice and that the private respondents, who were so appointed had committed serious illegalities, by alienating the properties belonging to the temple. Complaints were given by the general public against the respondents 4 to 6. However the 2nd respondent did not take any action on the said complaints. Similarly, the private respondents have also represented



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to the 2nd respondent on 23.06.2025 for continuing as hereditary trustees. A writ petition was filed by them in W.P.MD.No.20477 of 2025. The Madurai Bench of this Court disposed of the said writ petition on 28.07.2025 and directed the 2nd respondent to pass orders on the representation of the private respondents. In pursuance of the said order, the 2nd respondent issued a notice on 13.08.2025, calling upon the petitioners to appear for enquiry. Yet another notice was issued on 20.08.2025, fixing the inquiry date as 26.08.2025.

5.Only at the said inquiry, according to the petitioners, they came to know that the private respondents were claiming to be hereditary trustees, pursuant to an order passed by the 2nd respondent on 22.02.2023 and immediately, the petitioners have filed an appeal before the 1st respondent on 23.09.2025. According to the petitioners, the said appeal is in time. However, the 1st respondent has refused to entertain the appeal on the ground that the 1st respondent is not empowered to condone a delay beyond a period of 60 days. Mr.G.Ilamurugu, learned counsel from the petitioners would submit that the petitioners were not parties to the proceedings dated 22.02.2023 and they have not been put on notice about the order passed,



appointing the private respondents as hereditary trustees as well. In such circumstances, the learned counsel for the petitioners, the decision of the Hon'ble Supreme Court in C.A.No.4582 of 2019 dated 03.05.2019 cannot be put against the writ petitioners.

6.Per contra, Mr.Karthikeyan, learned Government Advocate appearing for the respondents 1 to 3, as well as Mr.M.Murugesan, learned counsel appearing for the respondents 4 to 6 would state that in view of the dictum of the Hon'ble Supreme Court, the 1st respondent had rightly rejected the appeal on the ground of delay and the mere fact that the petitioners had acquired knowledge of the proceedings subsequently cannot be taken advantage of, to claim that the appeal should be heard on merits. They have prayed for dismissal of the writ petition.

7.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the order of the 1st respondent, rejecting the appeal.



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8. In fact, I had an occasion to deal with a similar issue in W.P.No.42345 of 2025 and by order dated 11.11.2025, I had held that when the writ petitioner was not a party to the impugned proceedings and copies of the earlier orders had also not been furnished to the petitioner, to enable the petitioner to prefer an appeal or revision, then delay cannot be put against the writ petitioner. The order passed in the above said writ petition would squarely apply in all force to the facts of the present case as well.

9. In view of the foregoing discussion, it is clear that the petitioners were not parties to the impugned proceedings dated 22.02.2023 and they came to know about the said proceedings/order only at the time of enquiry before the 2nd respondent and immediately they have preferred the revision before the 1st respondent. In the light of the above, the ratio laid down by the Hon'ble Supreme Court in CA.No.4582 of 2019 dated 03.05.2019 cannot be applied to the facts of the present case to non-suit the petitioners and deny their legitimate and statutory right to prefer a revision under the relevant provisions of the HR & CE Act. In the light of the above, I am inclined to allow the writ petition.



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10. In fine, the Writ Petition is allowed and the order of the 1st respondent in N.Dis.2034429/2025/D2 dated 30.09.2025 is quashed. The 1st respondent shall entertain the appeal dated 23.09.2025 and dispose of the same on merits and in accordance with the law, after affording a fair opportunity to the petitioners, as well as the respondents 4 to 6. No costs. Connected Writ Miscellaneous Petition is closed.

09.01.2026

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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P.B. BALAJI, J.

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To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

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

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

Pre-delivery order made in
W.P.No.44126 of 2025
& WMP.No.49234 of 2025

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