



C.M.P(MD)No.904 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.P(MD)No.904 of 2023

in

W.A(MD)No.1276 of 2016

E.Ponnusamy

... Petitioner /
Appellant

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.
- 3.The Executive Officer,
Arulmigu Vigneshwarar Vagaiyara Thirukovil,
Old Ayakudi,
Palani.
- 4.The Inspector,
Hindu Religious and Charitable



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Endowments Department,
Devasthanam Chathiram,
Railway Feeder Road,
Palani.

... Respondents /
Respondents

Prayer: Civil Miscellaneous Petition filed under Section 151 of C.P.C to extend the time granted by this Court in W.A(MD)No.1276 of 2016 dated 08-11-2017 by one month for filing appeal under Section 26(5) of the Tamil Nadu H.R.and C.E. Act before the first respondent.

For Petitioner : Mr.Subbiah
Senior Counsel
for Ms.J.Anandhavalli

For Respondents : Mr.J.K.Jeyaseelan
Additional Government Pleader
for R.1, R.2 & R.4

Mr.Muthugeethayan
for R.3

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The petitioner herein was appointed as the hereditary trustee of the third respondent temple. Vide order dated 20.06.2016, he was superseded. In fact, the entire Board of Trustees was superseded.



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Challenging the same, writ petition was filed and it was dismissed on 17.08.2016. Questioning the said order, writ appeal was filed and the same was dismissed on 08.11.2017. The petitioner thereafter filed review application and that was also dismissed. Challenging these orders, SLP was filed and the said SLP was also dismissed on 05.08.2019.

3.The primary ground for dismissal was that the petitioner ought to have availed the statutory remedy of appeal before the Commissioner of HR&CE under Section 26(5) of the Tamil Nadu HR&CE Act, 1959. The Division Bench while dismissing the writ appeal granted four weeks time to the petitioner to file such an appeal. Unfortunately, the petitioner did not file appeal within the time stipulated by this Court. He filed the appeal belatedly along with the petition seeking condonation of delay of 855 days.

4.In the meanwhile, the Hon'ble Supreme Court in the decision reported in **(2019) 7 SCC 108 (Ganesan Vs Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Board & Others)** held that Section 5 of the Limitation Act will not apply to appeal proceedings before the Commissioner. In view of the said decision, the appeal filed



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by the petitioner came to be dismissed. Challenging the same, the petitioner had filed an independent writ petition.

5.It appears that the learned single Judge expressed the view that the petitioner should seek extension of time before this Court. In view of the aforesaid oral observation, this Civil Miscellaneous Petition came to be filed.

6.We are afraid that we may not be in a position to grant the relief sought for in view of the authoritative pronouncement of the Hon'ble Supreme Court rendered not only in ***Ganesan's*** case but also in ***Assistant Commissioner (CT) LTU, Kakinada & Others Vs Glaxo Smith Kline Consumer Health Care Limited ((2020) 19 SCC 681)***.

7.In view of the above, this Civil Miscellaneous Petition stands dismissed.

[G.R.S., J.] [R.K.M, J.]
12.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA



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To

WEB COPY

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