



WP(MD). No.36608 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 07/01/2026

CORAM

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

**WP(MD). No.36608 of 2025
and WMP(MD) No.29109 of 2025**

R.Lakshmibala

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road, Chennai - 600 034..

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

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

4. The Executive Officer,,
Hindu Religious and Charitable Endowments Department,
Arulmigu Balasubramaniaswamy Temple,
Vennaimalai, Karur Taluk,
Karur District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order vide proceedings in Na.Ka.No.



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1025-87/2020/A2 dated 28.08.2025 passed by the 3rd respondent and quash the same as illegal, arbitrary, without jurisdiction and ultra vires the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

For Petitioners : Mr.R.Ramaguru
For Respondents : Mr.J.K.Jaseelan for R1 to R3
Government Advocate
Mr.P.Athimoolapandian for R4

ORDER

This writ petition has been filed challenging the impugned order of the 3rd respondent dated 28.08.2025 in Na.Ka.No.1025-87/2020/A2 as, the same is illegal, arbitrary, without jurisdiction and ultra vires the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. Heard the learned counsel for the petitioners, learned Government Advocate for the official respondents and the learned counsel for the private respondent. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. The learned counsel for the petitioners would submit that though the subject property was purchased by the petitioner under registered sale deed dated 06.02.2003 and the petitioner being the absolute owner and



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taxes have been paid regularly, the proceedings of neither the respondent temple nor the HR&CE Department is per se illegal. He would further submit that the impugned order is hit by principles of natural justice, as no opportunity whatsoever be given to the petitioner before passing such an order.

4. The learned Government Advocate for the respondents would submit that originally on 05.03.2025, an order under Section 78(2) of the HR&CE Act (in short 'the Act') was passed and on receipt of the said order, the petitioner has an efficacious remedy of filing a revision before the revisional authority within 60 days.

5. However, the learned counsel for the petitioner would submit that in terms of 79(2) of the Act, the petitioner is not able to file revision.

6. Per contra, the learned counsel for the 4th respondent would submit that the petitioner has lost the opportunity of filing a revision and if at all the petitioner is aggrieved and claims title of the property, he ought to have filed a suit under Section 79(2) of the Act, which permits



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filing of suit challenging the order within a period of 6 months. He would further submit that the period of six months has also been over and the petitioner has also approached this Court belatedly.

7. Taking into consideration the said aspect, the petitioner, on his own volition, failed to file a revision within 60 days from the date of eviction order and now the consequential order is challenged, the petitioner, admittedly, lost the opportunity of filing a revision and kept silent all these days. Therefore, this Court cannot entertain the writ petition. Accordingly, the writ petition stands dismissed. However, at this juncture, the learned counsel for the petitioner seeks leave of this Court to grant liberty to condone the delay in filing the revision. However, since in the present case, the petitioner is claiming title over the property, if any other legal remedy is available for him to challenge the impugned order, it is open to the petitioner to challenge the same in accordance with law. No costs. Consequently connected Miscellaneous Petition is closed.

07.01.2026

NCC : Yes/No

Index : Yes/No

RR



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KRISHNAN RAMASAMY, J

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