

BEFORE THE COMMISSIONER, H.R.&C.E.ADMN.DEPARTMENT,CHENNAI-34.

Saturday the 15<sup>th</sup> day of June, Two Thousand and thirteen.

Present: Thiru. P. Dhanapal, M.A.,B.L.,  
Commissioner.

A.P. 16/2004 D2

Between

A. Natesan Pillai and six others.

..Appellants.

And

1. The Joint Commissioner, HR & CE Admn.Dept.,  
Thiruchirapalli.6.
2. M. Veeran.
3. P. Ramalingam.
4. K. Jayaraman.
5. S. Ramasamy.

.. Respondents.

In the matter of Arulmighu Soundararajaperumal etc. Temples,  
Thinnanoor Village, Thuraiyur Taluk, Trichy District.

Appeal petition filed under Section 69(1) of the Tamil Nadu H.R. &  
C.E. Act 1959 (Tamil Nadu Act 22 of 1959) against the order dated  
1.12.2003 of the Joint Commissioner, HR & CE Admn.Department,  
Tiruchy in dismissing the O.A. No.11/91 filed under Section 63 (b) of the  
Act.

Annexure to Order in R.Dis. A.P.NO. 16/2004 D2 Dated 15.6.2013.

The appeal petition filed under Section 69(1) of the Act against  
the order dated 1.12.2003 of the Joint Commissioner, Trichy in  
dismissing the O.A. No.11 of 1991 filed under Section 63 (b) of the Act.

2. The original application filed by the appellants was dismissed  
by the Joint Commissioner stating that though the petitioners produced  
27 exhibits none of them able to substantiate the claim of the petitioners.  
From the year 1956 onwards, non-hereditary trustees were appointed by

the Department. The properties have been purchased in the name of the temple through the persons or persons in the management of the temple at the time on behalf of the entire village. From the Ex.A2 clearly show that the persons in those documents such as Guardian, Manager, Trustees for the time being only represented the entire village and not representing any particular family members.

3. The appellants contended that the Joint Commissioner failed to scrutiny the documents filed to prove that the temples have been managed from time immemorial only by the Appellants and their forefathers. The evidences adduced in the above application clearly establish the fact that the trusteeships of the temples were vested with the family of the Manager and 8 Karaikars from the same community. In W.P.No. 1852 of 1991, His Lordship justice Bakthavatchalam observed as follows:

“That it is a fit case where the appellants has to file an application under Section 63 (b) of the Act, to declare themselves as Hereditary Trustees”

The Joint Commissioner has stated only two grounds to reject the application. Ever since the institution was brought under the control of the Act in the year 1955, non-hereditary trustees were appointed and properties were purchased by the manager of appellants' community. The evidences adduced in the O.A. clearly establish the fact that the Trusteeship of the temples are vested in the family of the manager and 8 Karaikarars who hail from the same village and the same community.

5. I heard Thiru N. Sathyamoorthy, Counsel for the appellant and perused the relevant records. From the records, it is evident that non-hereditary trustees were appointed by the department from the year 1956. The lands said to have been purchased for the temple is not out of the funds of the petitioner. But the properties have been purchased by the trustees from the funds collected from villagers. Further, in the year

1982, 1<sup>st</sup> appellant and 4 others had filed O.A. 89/92 under Section 64(1) of the Act for framing a scheme for the administration from and amongst the members of Arunattu Vellar community and allowed by the Deputy Commissioner by order dated 24.4.84. But the said order was set aside by the Commissioner in Appeal Petition filed under Section 69(1) of the Act by one R. Veeran. Further when the appointed trustees were in management of the temple from the year 1956, how the management of the temples had been vested with the Manager and 8 Karaikars of the said community was not proved with clinching evidence. Further the document produced by the petitioner related to the period of trusteeship held by the 1<sup>st</sup> and 3<sup>rd</sup> appellants. Donations were also collected from the public for the performance of Kumbabishegam and other festivals. Hence, the Appellant failed to produce documents to prove that the management of the temple has been vested with the family of the Manager and 8 karaikars of the community and trusteeship passes from father to son hereditarily for several generations.

For the foregoing reasons, the order dated 1.12.2003 of the Joint Commissioner, Trichy does not warrants any interference and is liable to be confirmed. Accordingly it is hereby confirmed and the appeal petition is dismissed as devoid of merits.

/typed to dictation/

Sd. P.Dhanapal,  
Commissioner.

/ true copy/ by order/

Superintendent.