

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

Tuesday the 23rd day of April, Two Thousand and thirteen.

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

A.P.No.2/2007

Between

1. P. Sundaramurthi
2. P. Kumar.
3. G. Hemanathan.

Appellants

And

The Joint Commissioner,
HR & CE Admn.Dept., Chennai.34.

Respondent

In the matter of Arulmigu Prasanna Vinayagar Temple, Choolai High Road, Choolai, Chennai. 112.

Appeal Petition filed under Section 54(4) of the Tamil Nadu HR&CE Act 1959 (Tamil Nadu Act 22 of 1959) against the direction dated 11.10.2006 issued in Rc.No.3499/2006 C1 of the Joint Commissioner, HR & CE Admn Dept, Chennai, directing the appellants to produce certain documents to consider the case of the appellants under Section 54(1) of the Act.

Order in D.Dis.A.P.No.2/2007 (D2) dated 23.04.2013.

The above appeal petition having come on for final hearing before me on 05.02.2013 in the presence of Thiru M.Sriram, Counsel for the Appellants and upon hearing his argument and after perusing the records and the matter having stood over for consideration till this day, the following order is made.

ORDER

The above appeal petition has been filed against the direction issued by the Joint Commissioner, Chennai directing the appellants to

produce certain documents for considering the case of the appellants under Section 54 (1) of the Act.

2. The case of the appellants is that in O.A.No.21/1963 dated 03-09-1969 the office of the trusteeship of the temple was declared to be hereditary and one Thiru S.C. Rajendran Thambiran and five others had officiated as Hereditary Trustee of the said temples. The appellants as the legal representatives of the deceased Hereditary Trustees filed a petition under Section 54 (1) of the Act to recognize and record their succession to the office as the next in the line of succession to the office of Hereditary Trustee of the temple.

3. The Joint Commissioner after considering the petition by impugned direction requested the appellants to obtain and produce the relevant Death Certificate, Legal Heirship Certificate of the respective deceased Hereditary Trustees and no objection certificate from the concerned hereditary trustee if any alive, to be recognised as the next in the line succession to the office of Hereditary Trustees.

4. The appellants without submitting any such materials as called for the authority has filed this appeal and contended that the authorities have no jurisdiction to seek for succession certificate as there is no property let behind those persons. And legal heir certificate has no legal sanctity under the Indian Succession Act and therefore, the impugned direction is liable to be set aside.

5. I heard the counsel for appellants and perused the relevant records. The Impugned direction is only a communication sent to the appellants by the Joint Commissioner to produce death certificate of the respective deceased Hereditary Trustees, Legal heirship certificate and if any such hereditary trustee is alive, to file No-objection certificate from the concerned Hereditary Trustee so as to record their name as the next in the line of succession to the office. But, the appellant instead of producing the same before the Joint Commissioner has chosen to file this appeal petition.

6. Under section 54(4) of the Act

“Any person aggrieved by an order of the Joint Commissioner or the Deputy Commissioner, as the case may be, under Sub-Section (3) may, within one month from the date of receipt of the order by him, appeal against the order of the Commissioner”.

As the impugned direction is not an order issued under section 54(3) of the Act, the present appeal as filed is not maintainable and deserves no consideration. However, the appellants are at liberty to produce the documents as required by the Joint Commissioner to consider their grievance in accordance with law. With this direction, the appeal petition is hereby closed.

/ typed to dictation/

Sd. P. Dhanapal
Commissioner.

/true copy/by order/

Superintendent.

To

The Appellants Thiru M.Sriram, Advocate, 103, Santhome High Road,
Foreshore Estate, Chennai. 28.

Copy to:

2. The Joint Commissioner, HR & CE Admn. Department, Chennai. 34.
3. The Assistant Commissioner, HR & CE Admn. Department,
Chennai.34.
4. The Inspector, HR & cE Admn.Dept. Circle , Chennai.
5. Extra.