

**BEFORE THE COMMISSIONER, HR&CE ADMN DEPARTMENT,  
CHENNAI-34.**

**Tuesday the 9<sup>th</sup> day of April, Two thousand and thirteen.**

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

**A.P.31/2008 D2**

**Between**

- 1. V. Somasundaram**
- 2. S. Mariappan.**
- 3. S. Sethurathinam**
- 4. K. Balasubramanian**
- 5. K. Madhavan**

**... Appellants**

**And**

**Joint Commissioner,  
HR & CE Admn. Dept., Madurai**

**.. Respondent.**

**In the matter of Arulmigu Annadhana Vinayagar Temple,  
Thirumangalam Town and Taluk, Madurai District.**

**Appeal Petition filed under Section 69(1) of the Tamil Nadu HR&CE Act, 1959 (Tamil Nadu Act 22 of 1959) against the order dated 02.01.2008 passed by the Joint Commissioner, HR & CE Admn Dept., Madurai dismissing the O.A.10/2003 filed under Section 64(1) of the Act.**

**Annexure to Order in R.Dis. A.P..No.31/2008 (D2) dated: 9.04.2013.**

**The above appeal petition has been filed against the order dated 02.01.2008 passed by the Joint Commissioner, HR&CE Admn Dept., Madurai dismissing the O.A.No.10/2003 filed under Section 64 (1) of the**

Act seeking to frame a scheme of administration to the above said temple.

2. The appellants as petitioners took out the said O.A. under Section 64 (1) of the Act seeking to frame a scheme of administration with provision for selection of trustees from the members of Arya Vysya kasukkara Chettiar Mahasabhai of Thirumangalam. The Joint Commissioner dismissed the above O.A. stating that there was no proof produced by the petitioners to prove that the temple was founded by Krishnan and Sankaralingam as claimed by the petitioners. Though electricity service connection to the temple stands in the name of Krishnan, the charge for the same is spent from the temple. And all the other documents are from recent origin.

3. The appellant contended that the Joint Commissioner ought to have allowed the said O.A. on the ground that the appellants have established the facts that the temple was constructed, developed and managed by the ancestors. The Joint Commissioner failed to appreciate the deposition given by the Inspector and also the extract of the Town Survey Register of Thirumangalam shows that the temple is situated in S.No. 222 which belongs to Kasukkara Chettiar Uravinmurai. The Joint Commissioner failed to consider the deposition of the PW3, who deposed that the temple is administered by the members of the Kasukkara Chettiar Mahasabhai community. The Joint Commissioner wrongly held that the appellants have not maintained true and correct accounts for the receipt of the income of the temple.

4. I heard Thiru N. Sathyamoorthy, Counsel for the appellants and perused the records. The Counsel for the appellants narrated and reiterated the grounds of memorandum filed by appellant. The appellants failed to produce any valid evidence to prove that the temple has been founded, established and for the sole benefit of the said community. The documents produced by the appellants were in recent origin. Non-hereditary trustee were appointed by the department in the

year 1997 which was not opposed by the appellants' community. Further, the appellants failed to maintain proper accounts for the income derived from the properties.

For the reasons stated supra, the order dated 2.1.2008 of the Joint Commissioner, Madurai did not suffer from any infirmity and accordingly it is hereby confirmed. The appeal petition is dismissed as devoid of merits.

/typed to dictation/

**Sd. P. Dhanapal,  
Commissioner.**

/ true copy/ by order/

**Superintendent.**