

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

Wednesday the 17<sup>th</sup> day of July, Two thousand and thirteen.

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

A.P.49/2008 & A.P.30/2009 D2

Between

1. T.C. Sundaramoorthy Velar.
2. G. Saravana Velar.
3. P. Pichaiyan Velar.
4. K. Ravi Velar.
5. S. Subramania Velar.
6. N. Ganesa Velar.
7. K. Janakirama Velar.
8. S. Pitchaiya Velar.

.Appellants

And

1. V.N. Durairajan.
2. C. Durairajan.
3. N. Kaliamoorthy
4. K. Rajamanoharan.
5. S. Alavandar.
6. N.S. Ashok Kumar.
7. P. Arumugam Pillai.
8. M. Ganesan.
9. P. Natarajan.

.. Respondents.

In the matter of Arulmighu Siraikatha Iyyanar Temple,  
Palliagraharam, Thanjavur Taluk and 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 of the Joint Commissioner, Thanjavur dated 27.8.2008 in dismissing the O.A. 1/2000 filed under Section 63(b) of the Act and order dated 27.11.2008 in allowing the O.A. 2/04 filed under Section 64(1) of the Act.

**Common Annexure Order in R.Dis. A.P.Nos.49/2008 and  
30/2009 D2 dated: 17.7.2013**

1. The Appeal Petition No.49/2008 has been filed against the order dated 27.8.2008 passed in O.A. 1/2000 filed by the appellant herein under Section 63 (b) of the Act.

2. The Appeal Petition No.30/2009 has been filed against the order dated 27.12.2008 passed in O.A. 2/2004 filed by the respondent herein filed under Section 64 (1) of the Act.

3. The Joint Commissioner, Thanjavur dismissed the O.A. 1/2000 filed by the appellants under Section 63 (b) of the Act and allowing the O.A. 2/2004 filed by the Respondents and settled a scheme of administration to the above temple.

4. The appellants contended that the Joint Commissioner failed to see that the appellants are the hereditary poojaries who maintained the temple in hereditary succession till date and they have been performing poojas and they are well versed in "Sooth saying" using the instrument "Uddukkai" with support of the people in the village of Palliagraharam. The appellant got an order in their favour in O.S. 645/1916 before the District Munsif Court for permanent injunction restraining the respondents. The Main deity made of Panchaloga was installed by the forefather of the appellants and performing poojas daily and conducted the annual festival all these years. The respondents not even cared about the temple affairs till 2004. Improvements are being made to the temple from the income they derive by "Soothsaying" in the temple premises.

5. In the Written arguments, the counsel for the Appellants reiterated the same averments in the grounds of appeal, further he contended that in case of small temples hereditary trusteeship and poojaris are combined in one as held by the Hon'ble High Court in the judgment reported in 77 LW 129. The appellants have established three limbs to the definition of Hereditary Trustees under Section 11 of the Act.

6. I heard Thiru G. Jaishankar, Counsel for the appellants and Thiru M. Rukmangathan, Counsel for the Respondents. On perusal of the relevant records and the annexure to the order passed by the Joint Commissioner in both Original Applications, the Joint Commissioner has elaborately discussed the evidentiary value of the documents filed by both the appellants and the Respondents herein and given a categorical finding on each document. From the documents, it is evident that the temple has been managed by the villagers and they performed Kumbabishegam by contributing funds for renovation work. The appellants were only poojaris. Further, the counsel for the respondents has contended that the appellants abandoned the poojariship and left the village and Poojas has been done by the Poojaris appointed by the villagers. This contention is not disproved by the appellants.

7. Further the temple is also under "Oru Kala Pooja Scheme". The appellants mainly relied upon the Judgment in O.S. 645/1916. In Para 17 of the said Judgment, the Hon'ble Court held that "There is no doubt that the temple and its property belonging only to the community living at Palliagraharam and that these plaintiffs in their capacity as poojaris are not at all entitled either to the said temple or to the properties belonging to the same."

Further, the Hon/ble Court held that "I should think that unless and until the villagers of Palliagraharam who are the owner of the Plaintiff temple wake up and effect in a constitutional manner a scheme for the management of the said temple and also appoint trustees or managers for the same, the plaintiffs should be allowed to collect the said income due to the temple in order that they may be in a position to defray the expenses of performing the daily pooja therein"

Even though the respondents herein filed a petition under section 64 (1) of the Act to frame a scheme of administration in the year 2004, the respondents proved with documentary evidence that the management of the temple has been vested with the villagers for several decades. But the appellants herein did not produce any documents to establish their right.

Hence, I find no valid reason to interfere in the order passed by the Joint Commissioner, Thanjavur and appeal petitions are liable to be dismissed which deserved no merits. Accordingly, the order dated 27.8.2008 in O.A. 1.2000 and order dated 17.10.2008 in O.A. 2/2004 passed by the Joint Commissioner, Thanjavur is hereby confirmed and the appeal petitions are dismissed as devoid of merits.

/ typed to dictation/

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

/ true copy/ by order/

**Superintendent.**

Only TO