

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

Wednesday the 8th day of May, Two Thousand and thirteen.

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

A.P. 49/2010/D2

1. Mahalingam.
2. Mani.
3. Manickam.

...Appellants.

In the matter of Arulmigu Nagalnatham Muniappan and Nagalnatham Vinayagar Temple, Veeranur, Gonur Village, Mettur Taluk, Salem 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 12.5.2010 of the Joint Commissioner, H.R.& C.E. Admn.Department, Salem in dismissing the O.A.No. 8/05 filed under Section 63(b) of the Act.

Annexure to Order in R.Dis. A.P. 49/2010 (D2)
dated: 8.5.2013.

The above appeal petition has been filed against the order dated 12.5.2010 of the Joint Commissioner, Salem in dismissing the O.A. 8/2005 filed under Section 63 (b) of the Act.

2. The Joint Commissioner dismissed the above O.A. stating that the appellant failed to prove that the management of the affairs of the

said temple was vested with their family for the past 3 generations. And also the documents produced by the petitioners related to the temple lands only.

3. The appellants contended that the Joint Commissioner failed to see that there is no contra evidence and that there is nothing to show that any persons other than the appellants and their family was in management of the temple. The Joint Commissioner failed to note that the appellants' father was shown as hereditary poojari cum manager in exhibits A1 and A2. The Joint Commissioner failed to note that Karmegam and Raju who claimed to be cultivating the lands of Nagalnatham Vinayagar Temple has not stated before the Inspector as to how they came to be in possession and on what basis they are cultivating the lands. The Joint Commissioner erred in dismissing the case without considering the evidentiary value of the documents filed by the appellants.

2. I heard Thiru K. Jayaraman, Counsel for the appellants and perused the relevant records. The counsel for the appellants narrated and reiterated the grounds of the appeal filed by the appellants. Documents filed by the appellants in O.A. related to lands only. Further, the appellants admit that the lands are in the possession of the 1st appellant and cultivated by him. Lands are not leased out in public auction. Even in the Ex.A1, the appellants' father was shown as poojaris only. Non-hereditary Trustees and Fit person were also appointed by the department. The appellant failed to produce any

documents to prove that the said temples were founded by their ancestor and management is vested with their family for more than 3 generations.

Hence, I find no infirmity in the order dated 12.5.2010 of the Joint Commissioner, Salem in O.A. 8/2005 and appeal petition deserves no merits. Accordingly, the order dated 12.5.2010 of the Joint Commissioner 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.