

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

Tuesday the 16th day of July, Two thousand and Thirteen.

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

A.P. 50/2010/D2

Between.
G. Ramanujam

Appellant.

In the matter of Arulmigu Muthu Rajagopala Swamy Temple, Pettai,
Muthupettai, Thiruthuraipoondi, Thiruvarur District.

Appeal petition filed under Section 69(1) of the Tamil Nadu H.R.&
C.E. Act 1959 (Tamil Nadu Act 2 of 1959) against the order dated
24.3.2010 of the Joint Commissioner, H.R. & C.E. Admn.Department,
Thanjavur in dismissing the claim under Section 63(a) in OA.6/04.

Annexure to Order in R.Dis. A.P. 50/2010 D2 dated: 16.7. 2013.

The above appeal petition filed against the order dated 24.3.2010
in O.A. 6/2004 of the Joint Commissioner, Thanjavur in dismissing the
claim under Section 63 (a) of the Act. The O.A. 6/2004 filed by the
appellant therein to declare him as Hereditary Trustee of the temple
under Section 63 (b) of the Act and also to declare the temple as a private
one under Section 4 (a) of the Act.

The Joint Commissioner after considering the documents
produced by the petitioner allowed the claim under Section 63 (b) of the
Act and declared the petitioners as hereditary trustee, dismissed the
claim under Section 63 (a) of the Act, stating that the petitioners failed to
produce any documents to prove that the temple was a private one. In
the board order the temple was declared as excepted temple only for the
purpose of management. But the present Act only the Government is
competent to exempt the temple under Section 4 of the Act.

3. The appellant contended that the Joint Commissioner failed to consider that the properties were solely dedicated by the ancestors of the appellant for the maintenance of the temple and also failed to appreciate that in the absence of Hundial, Gopuram etc., the Joint Commissioner ought to have held that the said temple is a private temple. The Joint Commissioner failed to appreciate that the public are not permitted for offer worship as a matter of right. The appellant's grandfather cum-adopted father have administered the affairs of the temple from 1930 to 1995 without any interference either from the Revenue Board or from the H.R. & C.E. Department.

4. I have heard K. Jayaraman, Counsel for the appellant and perused the relevant record. The appellant himself not sure in his claim hence he filed petition either to declare the temple as private temple under Section 63 (a) of the Act or to declare him as Hereditary Trustee under Section 63 (b) of the Act. Documents produced by the appellant related to management of the temple by the appellants family. The lands were classified as "Devadayam Inam" only. Hence, the Joint Commissioner rightly allowed the claim under section 63 (b) of the Act and declared the appellant as Hereditary Trustee. The appellant failed to prove the private character of the suit temple with cogent evidence.

Therefore, I see no valid reason to interfere with the order of the Joint Commissioner, Thanjavur. Accordingly the Order dated 24.3.2010 of the Joint Commissioner, Thanjavur made in O.A. 6/2004 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.