

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

**Tuesday the 7<sup>th</sup> day of May, Two Thousand and Thirteen.**

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

**A.P. 23/2011 D2**

**Between.**

**P. Chinnappa,  
S/o Pitchaiya**

**... Appellant.**

**And**

**The Joint Commissioner,  
HR & CE Admn. Department,  
Thanjavur.**

**..Respondents**

**In the matter of Arulmighu Pushpatheeswarar,  
Varadarajaperumal, Symaladevi, Kaliamman Temples, T.Suraikkavur,  
Papanasam Taluk, Thanjavur District.**

**Appeal Petition under Section 69(1) of the Tamil Nadu HR&CE Act,  
1959 (Tamil Nadu Act 22 of 1959) against the order dated 24.03.2010  
passed in O.A.No.12/1997 by the Joint Commissioner, HR&CE Admn  
Department, Thanjavur dismissing the Original Application filed under  
Section 63 (b) of the Act.**

**Annexure to Order in R.Dis.A.P.23/2011 D2 dated :07.05.2013.**

**The above appeal petition has been filed against the order dated  
24.03.2010 made in O.A.No.12/1997 on the file of the Joint  
Commissioner, HR&CE Admn Department, Thanjavur dismissing the  
original application filed by the appellant under Section 63 (b) of the Act.  
The Joint Commissioner dismissed the above original application holding  
that the petitioner has failed to produce any valid document to prove that  
the above said temples was founded by his ancestors and managed by  
his family for the past 3 generations, and the temples are in dilapidated**

condition and the properties of the temple are under encroachment and some of the properties are under enjoyment of the petitioner also failed to maintain the temple and its properties which are said to in his possession.

2. The appellant contended that the Joint Commissioner failed to see that no one outside the family of the Appellant has ever functioned as hereditary trustee of the temple and not relied on the Ex.C.1 which clearly established that the appellant and his ancestors are holding office as Hereditary Trustees. The Joint Commissioner failed to see that the appellant and his father and grandfather functioned as Hereditary Trustees in the temple from father to son, son to grandson. The Joint Commissioner did not appreciate the documentary evidence filed as Ex.A1 to A6, which has undoubtedly established the hereditary character of the institution in question and failed to analyse the documents legally.

3. I heard Thiru W.C.Thiruvengadam, Counsel for the appellant and perused the relevant records. The counsel for the appellant reiterated the grounds of memorandum of appeal. It is seen that the appellant has filed 6 documents before the Joint Commissioner which were marked as Ex.A.1 to A.6. Ex.A1 and A2 is the Xerox copy of the patta dated 11.10.2007 showing the lands belonging to Arulmigu Pushpatheswarar Temple and Symaladevi, Kaliasman temples. The Patta stands in the name of the respective deities of the temple. Ex.A3, A.4 and A5 are the series of receipt for the payment of Electricity consumption and deposit charges dated 16.08.2005, 12.06.2007, 16.08.2007, 25.06.2009, 13.07.2009, 21.08.2009, and for the month of 5/2008, 7/2008, 5/2009 & 7/2009. Ex.A.6 is the certificate issued by the Village Administrative Officer dated 21.06.2008. In the Original Application the appellant has stated that the temples were built by his fore-fathers for their family out of their own funds. Even lands belonging to them were given for the maintenance of these temples. Admittedly, a total extent of 3.13.5 Hectare of wet and 1.92.0 Hectare of dry lands are

owned by the three temples and most of the lands are under encroachment and the remaining portion is enjoyed by the appellant. There is no proper explanation how the lands came to be owned by these temples. The documents filed by the appellant are all of recent origin and no document has been filed by the appellant to prove his contention that the temple were built by his fore-fathers for their family out of their own funds and lands were given for the maintenance of the temples. No steps have been taken to trace and prove the genealogy as claimed by the appellant. But, the Appellant believes that these documents are enough to establish the hereditary trusteeship character of the Institution in question. Even though vast extent of landed property is owned by the temples and some of the lands are under encroachment yet some of temples are in dilapidated condition and there is even no electricity service connection in some temples and some extent of the landed properties are under the enjoyment of the appellant which is against law. Further, the temples are benefited under "Orukala Pooja Scheme of the Government". It is also learnt that the appellant herein was appointed as a single non-hereditary trustee to A/m. Pujapatheeswarar temple, in Proc.Rc.No.3316/1978 A.1 dated 21.02.1980 of the Assistant Commissioner, Thanjavur and subsequently three non-hereditary trustees have been appointed in Proc.Rc.No.8436/92 dated 15.4.1995 of the Assistant Commissioner, Thanjavur in which the appellant does not find a place. Similarly, for A/m.Syamaladevi, Kalamman temple, one U.Arumugam was appointed as a single non-hereditary trustee in Proc.Rc.No.10243/92 A.6 dated 30.11.93 of the Assistant Commissioner, Thanjavur. It is learnt that when the Department proceeded to appoint Non-hereditary trustees to the temples, the appellant has come up with this application.

The appellant has miserably failed to make out a case as prayed for and further failed to prove that the said temples are founded by their ancestors and managed by his family for more than 3 generations

continuously through ample, authenticate, and corroborative evidence both oral and documentary. Not even any limb of section 6(11) was satisfied. In the absence of any valid documents, I find no justifiable reason to interfere with the orders passed by the Joint Commissioner, impugned. Therefore, the orders dated 24.03.2010 passed in O.A.No.12/1997 by the Joint Commissioner, HR&CE Admn Department, Thanjavur is hereby confirmed and the appeal fails and deserves to be dismissed as devoid of any merits. Accordingly, the appeal petition be and is dismissed as devoid of any merits.

/typed to dictation/

Sd/- P.Dhanapal  
Commissioner.

/true copy/by order/

Superintendent