

BEFORE THE COMMISSIONER, H.R.&C.E.ADMN.DEPARTMENT,CHENNAI 04.

Wednesday the 17th day of July, Two Thousand and thirteen

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

A.P.68/2011/ D2

Between.

The Executive Officer, Arulmighu Pookulam
Angala Parameswari Amman Temple, Big Bazaar
Street, Tiruchirapalli.

.. Appellant.

And

1. P. Rajendran,
2. P. Sakthivel.
3. P. Chandrasekaran.
4. P. Venkatesan

.. Respondents.

In the matter of Arulmighu Pookulam Angala Parameswari Amman
Temple, Big Bazaar Street, Tiruchy Town.

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: 3.2.2011
of the Joint Commissioner, HR&CE Admn.Department, Tiruchy in
allowing the O.A. 3/05 filed under Section 63 (b) of the Act.

Annexure to Order in Revis. A.P.68/2011/ D2/ dated: 17.7.2013.

The above appeal petition has been filed under Section 69(1) of the
Act against the order dated 3.2.2011 of the Joint Commissioner, Trichy
in allowing the O.A. 3/2005 filed under Section 63 (b) of the Act.

2. The appellant contended that the respondents are poojaris of
the temple and they were never in administration of the temple. Non-
ary Trustees were appointed from the year 1974 and the
Executive Officer of Arulmighu Vekkaliamman Temple Uraiyur has been

appointed as Fit Person of the temple. Further the 1st Respondent and his mother were tenants of the shops of the temple and agreed to pay the fair rent fixed by the department. The Respondents father was suspended from service of poojari for misconduct and terminated. The Inspector of the Department ought to have issued notice to the appellant and obtained his report. Except the report of the inspector, nothing has been produced by the Respondents to claim the administration.

3. In the written arguments, the respondents argued that there is no contrary evidence produced by the Executive Officer to prove that the respondents herein are not in the management of the temple. When the fit person were appointed to administer the temple, it is the duty of the Executive Officer to mention the name of the fit person with their terms, in the absence of the above details and the evidence the Executive Officer cannot be allowed to contend that the respondents have no right to claim for Hereditary Trusteeship. Further the Executive Officer lacks jurisdiction to contest the case. The fit person said to have been appointed in the place of the respondent had not taken the charge of the administration of the temple not even once in the past 50 years and that the theory of Fit Person is only hypothetical.

4. I heard Mr. Anandhavalli, Counsel for the appellant and N.M. Eghambaram, Counsel for the Respondents and perused the relevant records. On a perusal of the annexure to order passed by the Joint Commissioner, containing grounds for the above decision, the Joint Commissioner has enumerated certain documents filed without discussing its evidentiary value, how far the said document supports or the case of the petitioner by applying his mind judicially before taking such a decision. Further the documents produced by the petitioners are of recent origin. The Joint Commissioner failed to consider that the Executive Officer has been appointed in the year 1972 and non-hereditary Trustees were appointed by the department and fit person has been appointed by the department. The respondents filed bunch of

festival invitation. In all the invitations, the Respondents and their forefathers were shown as poojaris only. The Respondents family are doing pooja service only. The Respondents did not produce any documents to prove that the said temple was managed by the respondents' family for last 3 generations.

As per Section 6 (11) of the Act, "hereditary trustees means the trustee of a religious institution, the succession to whose office devolves by hereditary right or is regulated by usage or is specially provided for by the founder, so long as such scheme of succession is in force." It is not proved by the respondents with cogent evidence that the management of the suit temple vested with their family for several decades or founded by their family or succession devolves by the hereditary right. But the temple is continuously under the management of the trustees and fit person appointed by the authorities under the provisions of the Act.

In the absence of any evidence to prove the management of the temple by the respondents family, the Joint Commissioner erred in allowing the O.A. 3/2005 and declaring the respondents as Hereditary Trustees of the temple.

Therefore, the order dated 3.2.2011 passed by the Joint Commissioner, Trichy suffers from infirmity as stated above and deserved to be set aside and accordingly it is hereby set aside. The appeal petition is allowed and the office of trusteeship is declared as non-hereditary.

/ Typed to dictation/

Sd. P.Dhanapal,
Commissioner.

/ true copy/ by order/

Superintendent.