

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

Friday the 28th day of December, Two thousand and twelve.

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

A.P. 22 /2011

Between.

1. S.A. Sivaprakasam.
2. P.V. Puchumani.
3. C. Ponraj.
4. P.R.M.Muthuraman.
5. P.V. Pooraj.

. ... Appellants.

And

1. The Joint Comissioner,
HR & CE Department, Tirunelveli.
2. V.S. Rajendranath S/o M.V. Shanmuganathan .Respondents
(impleaded on 30.11.2011)

In the matter of Arulmighu Muthumalaiamman Temple, Mukkudal,
Ambasamudram Taluk, Tirunelveli District.

The Appeal Petition under Section 69(1) of the Tamil Nadu HR & CE Act, 1959 (Tamil Nadu Act 22 of 1959) against the order dated 28.10.2009 of the Joint Commissioner, HR & CE Admn. Department, Tirunelveli confirming the draft scheme issued in O.A.No.6/2001 filed under Section 64 (1) of the Act framing a scheme of administration to the temple under question.

Order in R.Dis. A.P. 22 /2011 (D2) dated: 28.12.2012.

The above Appeal Petition having come on for final hearing before me on 06.11.2012 in the presence of Thiru N. Sathyamoorthi, Counsel for the Appellants and Thiru M. Ajmal Azzath, Counsel for the 2nd Respondent/Impleading petitioner, upon hearing their arguments and after perusing the connected records and the matter having stood over for consideration till this day, the following order is made:-

ORDER.

The appeal petition be and is hereby dismissed as not maintainable and premature.

However, the order dated 28.10.2009 passed by the Joint Commissioner, Tirunelveli in O.A.6/2001 is hereby set aside for the reasons stated in the annexure to the order and the case is remanded back to the Joint Commissioner, Tirunelveli to hold an enquiry after affording the appellants, respondent and other persons having interest if any, an opportunity of being heard and dispose of the same in accordance with law. The appellants and other parties shall also co-operate for the expeditious disposal of the O.A enquiry without any default. With the above directions, the appeal petition is ordered accordingly.

/typed to dictation/

Sd. P. Dhanapal,
Commissioner.

/true copy/by order/

Superintendent.

Note:

Certified copy of annexure to the order containing the grounds will be furnished on receipt of a regular copy application duly affixed with a Court fee stamp of 0.25 p. with sufficient number of copy stamp papers valued at Re.1/- each.

To

1. The Appellants through Thiru N. Sathyamoorthi, Advocate, 62, Law Chambers, High Court Buildings, Chennai.104.
2. The 2nd Respondent through Thiru M. Ajmal Azzath, Advocate, No.1/10, E -Type, Sidco Nagar, Villivakkam, Chennai 400 049.

Copy to:

3. The Joint Commissioner, HR & CE Admn. Dept., Thirunelveli.2 (R.C. 15140/2010 A2) (with a copy of annexure to order) (The file in O.A. 6/2001 pages 12+764 along with its exhibits is returned herewith (by Regd.Parcel). The receipt of the records should be acknowledged immediately.)
4. The Inspector, HR & CE Admn. Department, Ambasamudram(North)
5. The Assistant Commissioner, HR&CE Admn. Department, Tirunelveli.2 (with a copy of Annexure to order)
6. The Executive Officer of the Temple (through S.No.3)
- 7&8. Extras.