

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

Tuesday the 24<sup>th</sup> day of September, Two thousand and thirteen.

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

A.P. 24/2011 D2

**Between.**

**V. Chokkalingam Pillai.**

**... Appellant.**

**And**

1. The Joint Commissioner, HR & CE Department,  
Thanjavur.
2. The Assistant Commissioner, HR & CE Admn.Dept.,  
Nagapattinam.
3. The Inspector, HR & CE Admn.Dept., Vedaranyam,  
Nagai District.
4. The Fit Person, Am. Mohini Mariamman Temple,  
Thanikottagam village and Post, Vedaranyam Tk.,  
Nagai District.
5. C. Karthigeyan S/o S. Chidambaram. **..Respondents**

**In the matter of Arulmighu Mohini Mariamman Temple,  
Thanikottakam, Vedaranyam Taluk, Nagapattinam District.**

**Appeal Petition filed under Section 54(4) of the Tamil Nadu HR &  
CE Act, 1959 (Tamil Nadu Act 22 of 1959) against the order dated  
15.10.2010 in Pro. Rc.No. 9956/2010 C2 of the Joint Commissioner, HR  
& CE Admn.Department Thanjavur in recording line of succession under  
Section 54(1) of the Act.**

**Order in D.Dis. A.P. 24/2011 (D2) dated: 24.9.2013**

**The above appeal petition having come on for final hearing before  
me on 30.7.2013 in the presence of Thiru S. Sathyamoorthy, Counsel for  
the appellant and Thiru V.S. Ramadoss, Counsel for the 5<sup>th</sup> respondent,  
and upon hearing their arguments and perusing the connected records  
and the matter having stood over for consideration till this day, the  
following order is made.**

**ORDER**

The above appeal petition has been filed against the order dated 15.10.2010 of the Joint Commissioner, Thanjavur in recording the line of succession under Section 54 (1) of the Act. Thiru S. Chidambaram, who is the father of the 5<sup>th</sup> respondent, was one of the Hereditary Trustee of the said temple. He was removed from the hereditary trusteeship by the Joint Commissioner for mismanagement of the temple. In that permanent vacancy arised in view of removal of the Hereditary Trustee, his son/5<sup>th</sup> respondent has been recognized as Hereditary Trustee under Section 54(1) of the Act by the Joint Commissioner.

2. The appellant contended that the 5<sup>th</sup> respondent is not qualified to hold the post of Hereditary Trustee and he is a student studying in the College. Before appointing the 5<sup>th</sup> respondent as a co-trustee, the appellant who is another trustee was not heard. No tom toms were beat in the locality seeking objections from the general public for the appointment of the 5<sup>th</sup> respondent. No reports were called for either from the Assistant Commissioner, Nagapattinam or fit person of the temple.

3. I heard Thiru S. Sathyamoorthy, Counsel for the appellant and V.S. Ramadoss, Counsel for the 5<sup>th</sup> respondent and perused the relevant records. The above appeal petition filed without understanding the scope of the provision under Section 54 (1) of the Act. Section 54 (1) read as follows: when a permanent vacancy occurs in the office of the Hereditary Trustee of a religious institution, the next in the line of succession shall be entitled to succeed to the office. In O.A. 50/1976 dated 11.2.1977, the appellant herein and 5<sup>th</sup> respondents father Chidambaram were declared as Hereditary Trustee of the suit temple. The 5<sup>th</sup> respondent father was removed from the Hereditary Trusteeship of the temple by order dated 12.5.2006. The 5<sup>th</sup> respondent succeeds to the office of the Hereditary Trustee in the permanent vacancy arised due to the removal of his father. There is no necessity for making any application for the

next in line of succession under Section 54 (1) of the Act. At the same time the next line of legal heir who succeeded to the office of the Hereditary Trustee has to inform the appropriate authority with necessary certificates for recording the legal successor and for other administrative reasons. The Joint Commissioner recorded his succession only. Hence, the question of appointment does not arise. There is no need to calling for objection from the general public or hearing the appellant. There is no bar in the H.R. & C.E. Act for a student to hold the post of Hereditary Trustee. In the case of Hereditary Trustee, no minimum age has been fixed in the Act.

For the foregoing reasons, the impugned order does not warrant any interference. The appeal petition lacks merits and liable to be dismissed. Accordingly, the order dated 15.10.2010 is hereby confirmed as appeal petition is dismissed as devoid of merit.

/ typed to dictation/

Sd. P. Dhanapal,  
Commissioner.

/true copy/by order/

Superintendent.

To

1. The Appellant through Thiru S.Sathiamurthi, Advocate, 154, Addl.Law Chambers, High Court Buildings, Chennai.104.
2. The Fit Person, Arulmighu Mohini Mariamman Temple, Thanikottakam Village & Post, Vedaranyam Taluk, Nagapattinam District.
3. The fifth Respondent through Thiru V.S. Ramadoss, Advocate, No.350, Law Chambers, High Court, Chennai.104.

Copy to:

- 4 The Joint Commissioner, HR & CE Admn.Dept., Thanjavur.
5. The Inspector, HR & CE Admn.Department, Vedaranyam.
- 6.The Assistant Commissioner, HR&CE Admn.Department, Nagapattinam.
- 7-8. Extras.