

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

Thursday the 26<sup>th</sup> day of September, Two thousand and thirteen.

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

A.P. 4/2011.

**Between.**

1. M. Varadarajulu.
2. N. Narayanan.
3. A.P. Govindan.
4. N. Ezhumalai.
5. K. Palaraman.
6. S. Muthukrishnan.
7. K. Sundaramoorthy.

..Appellants

**And**

S.J. Sathiyamoorthy.

. Respondent.

**In the matter of Arulmigu Bhadala Vinayagar Temple, Molasur,  
Tindivanam Taluk, Villupuram District.**

**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:  
29.10.2010 of the Joint Commissioner H.R. & C.E., Villupuram in  
dismissing the O.A. 3/06 filed under Section 64(1) of the Act.**

**Annexure to Order in R.Dis. A.P. 4/2011 (D2) Dated : 26.9.2013.**

**The above appeal petition has been filed against the order dated  
29.10.2010 of the Joint Commissioner, Villupuram in dismissing the  
O.A. 3/2006 filed under Section 64 (1) of the Act.**

2. The above O.A. filed for settlement of a scheme with a provision for the appointment of trustees from the Gounders, Naidus and Reddiars communities of Molasur village.

3. The appellant contended that the Joint Commissioner failed to note that for better administration of the temple, scheme can be framed. The Joint Commissioner ignored the documentary and oral evidence which clearly proved the case of the appellant. The management has been carried on by the representatives of these 3 communities for the last several years. Daily poojas and annual festivals are being conducted by the persons nominated by the communities from out of collections made from these three community people. The Joint Commissioner failed to note that the case of the petitioner before him was not one made under Section 63 (a) or 63 (b) of the Act but one under Section 64 (1) of the Act and the mere participation of the public in worship and festivals will not affect the rights of the three communities for whose benefit the temple was chiefly intended.

4. I heard Thiru K. Jeyaraman, Counsel for the appellant and perused the relevant records. The institution has been maintained by the members belonging to the said three communities and chiefly intended for the benefit of the said community has to be proved by the appellant with substantial evidence. But, the documents marked in the above O.A. did not speak about the exclusive management by the three communities. In the local enquiry conducted by the Inspector, the villagers has deposed that the suit temple was founded by the villagers by collecting funds from all the communities and festivals are also conducted from the funds contributed by all the community people. Further, the respondent herein was appointed as fit person by the department in the year 1986. Further, the Joint Commissioner held that Ex.A2, A4 and A6 were without any authentication. In the absence of any evidence to prove the claim of the appellant, the Joint Commissioner has rightly dismissed the Original Application.

Therefore, for the foregoing reasons, I did not find any infirmity in the order dated 29.10.2010 of the Joint Commissioner, Villupuram and the appeal petition deserved no merits. Accordingly the order dated 29.10.2010 of the Joint Commissioner, Villupuram made in O.A. 3/2006 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.