

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

Friday the 16th day of November, Two thousand and twelve.

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

A.P. 51/2011 D2.

Between

1. M.Palanivel Gounder.
2. K.S. Palaniappan.
3. S. Ganapathy
4. R. Nallayyan.
5. M.Duraisamy.
6. S. Sundaramurthy

..Appellants.

And

1. The Joint Commissioner, H.R.&.C.E
Admn.Department, Salem.
2. Sengoda Pandaram, S/o Kulandai Pandaram.
3. Mahalingam S/o Gurunatha Pandaram.
4. Mani S/o Subramani @ Chinnapaiya Pandaram.
5. K. Ramasamy, S/o Kumarasamy

... Respondents.

Impleading Petitioner/
Respondent.

In the matter of Arulmighu Athanooramman Temple, Siddhalanthur village,
Tiruchengode Taluk, Namakkal District.

Appeal Petition filed under Section 69(1) of the Tamil Nadu H.R.&.C.E. Act
1959 (Tamil Nadu Act 22 of 1959) against the order dated 10.6.2011 of the Joint
Commissioner, HR & CE Admn.Department, Salem in dismissing the O.A. No.23/2009
filed under Section 64(5)(a) of the Act and issuing draft scheme to modify the scheme
framed in OA 9/2004 under Section 64 (i) of the Act..

Order in R.Dis. A.P. 51/2011 (D2) dated: 16.11.2012.

The above Appeal Petition having come on for final hearing before me on
30.10.2012 in the presence of Thiru W.C. Thiruvengadam, Counsel for the Appellant,
Thiru B. Vijayakumar, Counsel for the Respondents 2-4, and M/s E. Ganesh, Counsel
for the Impleading petitioner/Respondent, upon hearing their arguments and after
perusing the records and the matter having stood over for consideration till this day, the
following order is made:-

ORDER.

The above appeal petition is dismissed as premature, as the draft scheme issued by the Joint Commissioner in the impugned order has not yet been confirmed and got published in the District Gazette as required by Law. However, the appellants are at liberty to raise their objections, suggestions and representations before the Joint Commissioner, Salem within 15 days from the date of receipt of this order and if any such objections, suggestions and representation is filed by the appellants, or persons having interest if any, the Joint Commissioner is required to afford reasonable opportunity to all parties to examine and cross-examine the evidence let in, record their findings pass orders on merits and in accordance with law. With the above directions, the appeal petition is dismissed.

/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/-

To

1. The Appellants through Thiru W.C.Thiruvengadam, Advoate, 23, Bagavantham Street, T.Nagar, Chennai. 17.
2. The respondents through Thiru B. Vijayakumar, Advocate, 214, New Addl. Law Chambers , High Court Buildings, Chennai. 104.
3. Impleading Petitioner through Thiru E. Ganesh, Advocate, 351, Addl.Law Chambers, High Court Buildings, Chennai.104.

Copy to:

3. The Joint Commissioner, HR&CE Admn.Department, Salem. (Rc.No. 7798/2011) (with a copy of annexure to order) (The file in O.A. 23/2009 510 pages along with exhibits A1 to A26 and B1 to B13 is returned herewith **by Regd.Parcel**. The receipt of the record should be acknowledged by return of post.)
- 4.. The Assistant Commissioner, HR & CE Admn.Department, Namakkal.(with a copy of annexure to order)
5. The Inspector, HR & CE Admn.Dept., Tiruchengode.
6. Extra.