

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

Thursday the 19th day of September, Two thousand and thirteen.

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

A.P. 58/2011

Between.

Ramachandra Durai S/o Singaravelu. .. Appellant.

And

1. Joint Commissioner, HR & CE Admn.Dept.
Tiruchy..
2. The Executive Officer, Arulmighu
Veeramakaliamman Temple, Aranthangi.
3. Aathimoolam (died),
4. S.A. Kulandaivel.
5. Velayutham.
6. V.A. Natarajan.
7. K.A.Dhayalagunam. ... Respondents
8. A.Tamilmani.
9. K.C. Karuppaiah.

In the matter of Arulmigu Perungarayadi Minda Ayyanar Temple,
Kulamangalam village, Aranthangi Taluk, Pudukottai 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
30.6.2006 of the Joint Commissioner, HR & CE Admn.Dept., Tiruchy in
dismissing the O.A. 17/2000 filed under Section 63(b) of the Act.

Annexure to Order in R.Dis. A.P. 58/2011 (D2) Dated : 19.9.2013.

The above appeal petition has been filed against the order dated
30.6.2006 of the Joint Commissioner, Trichy in dismissing the O.A. 17 of
2000 filed under Section 63 (b) of the Act.

2. The above O.A. was dismissed by the Joint Commissioner stating that the petitioner has not proved with valid document that the management of the temple was with his forefathers continuously atleast for three generations. The Board Order in O.A. 99/1951 related to Arulmighu Balasubramaniaswamy Temple only. There is no mention of the other temples. No accounts regarding the management of the petition temple or mention of any expenditure done of the petitioner's family with reference to the petition temple was produced.

3. The appellant contended that the Joint Commissioner failed to see that in O.A. 99 of 1951 the appellant's paternal uncle was declared as Hereditary Trustee and the temple in question is a sub-temple to the Balasubramaniaswamy Temple. The Joint Commissioner failed to make a detailed legal analyze of the documents filed by the appellant. The institution in question is a property belonging to the appellant's family and accordingly the appellant is entitled for declaration under Section 63 (b) of the Act.

4. I heard Thiru N. Jayakumar, Counsel for the appellant and M/s. J. Anandavalli, Counsel for the 2nd respondent/Executive Officer and Thiru N. Velmurugan, Counsel for the Respondent 3-8 and perused the relevant record. The appellant mainly put reliance upon the order in the O.A. 99/1951. But the order of the Board in O.A. 99/1951 mentions about Arulmighu Balasubramaniaswamy Temple only. There is no mention of the other temples as claimed by the appellant. The appellant is not produced any evidence to show that three temples are group temples. The appellant failed to prove with substantial evidence that the suit temple was managed by the appellant's ancestors. As held by the Joint Commissioner, the appellant has not substantiated his case by valid documents that the office of the Trusteeship of the petition temple devolves by hereditary right or regularized by usage or specifically

provided for by the founder. Even the contention of the appellant that the suit temple is a group temple of Arulmighu Balasubramaniaswamy Temple was not accepted by the Hon'ble High Court that why the High Court advised the appellant to file an application under Section 63 (b) of the Act. Further, separate account has been maintained now in the name of the suit temple and also assessed for levy of contribution and audit fees under Section 92 of the H.R. & C.E. Act.

Since the impugned order was passed by the Joint Commissioner after analyzing the documents and oral evidence in detail, I see no valid reasons to interfere with the order and the appeal petition deserves no merits. Accordingly, the order dated 30.6.2006 of the Joint Commissioner, Trichy passed in O.A. 17/2000 is hereby confirmed and the appeal petition dismissed as devoid of merits.

/ typed to dictation/

Sd. P. Dhanapal,
Commissioner.

/true copy/by order/

Superintendent.