

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

Monday the 15<sup>th</sup> day of October, Two Thousand and Twelve

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

**A.P. 60 /2011 D2**

**Between.**

V. Rajagantham. W/o Veerasekaran.

... Appellant.

**And**

The Joint Commissioner, HR&CE Dept., Villupuram.

..Respondent.

In the matter of Arulmighu Muthumariamman etc. Temples, Arumpuli village, Siruvalai P.O., Villupuram taluk & District.

The Appeal Petition under Section 69(1) of the Tamil Nadu H.R. & C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) against the order dated: 22.9.2010 of the Joint Commissioner, H.R.&C.E, Admn. Department, Villupuram, dismissing the O.A.No.64/2006 filed under Section 63(b) of the Act.

**Annexure to Order in A.P. 60/2011 D2 dated : 15.10.2012.**

The above appeal petition has been filed against the order of the Joint Commissioner, HR&CE Dept., Villupuram dismissing the O.A.No.64/2006 filed by the appellant/petitioner under Section 63 (b) of the Act to declare the office of the trusteeship of the said temple as Hereditary.

2. The appellant contended that the office of the trusteeship of the above temple is hereditary in the family of the appellant and their ancestors in an unbroken line of succession from father to son. The department has not appointed any non-hereditary trustees to the temple, and not assessed the income of the temple to levy contribution. It is clear that there is no preliminary report obtained in the case. However, the appellant herein has obliged to file an Original Application under Section 63(b) of the Act in

**p.t.o.**

O.A.No.64/2006 before the Joint Commissioner to decide the office of trusteeship of the temple and filed various documents in support of her claim. The Joint Commissioner has simply enumerated the exhibits without discussing its evidentiary value simply dismissed the claim of the appellant. Even though the Joint Commissioner has appreciated, certain documents in favour of the appellant, but rejected the claim of the appellant holding that the petitioner has not proved the genealogy with evidence, and not brought forth unassailable and clinching evidence to substantiate her claim.

3. I have heard Mr. W.C.Thiruvengadam, learned counsel for the appellant and perused the order of the Joint Commissioner. The counsel for the appellant narrated and reiterated the grounds of Memorandum of appeal filed by the appellant. On a perusal of the annexure to order passed by the Joint Commissioner, containing the grounds for the above decision, the Joint Commissioner has simply enumerated certain documents filed without discussing its evidentiary value, how far the said document supports or not supports the case of the petitioner by applying his mind judicially before taking such a decision. Therefore, the order dated 22.7.2010 passed by the Joint Commissioner, H.R.&.C.E. Dept., Villupuram suffers from infirmity as stated above and deserves to be set aside and accordingly, it is hereby set aside. The matter is remitted back to the Joint Commissioner to hold an enquiry de-nova after affording the appellant and others an opportunity of being heard and dispose the same in accordance with law within a period of 3 months from the date of receipt of a copy of this order. The appellant shall also cooperate for the expeditious disposal of the O.A. enquiry without any default. With these directions, the appeal petition is disposed of.

/typed to dictation/

Sd. P. Dhanapal,  
Commissioner.

/true copy/by order/

Superintendent.