

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

Friday the 4th day of January, Two Thousand and thirteen.

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

A.P. 69/2011/ D2

Between.

1. A. Jayaraman.
2. K. Ponnuswami.
3. M. Karunanithi.
4. T. Elumalai.
5. M. Murugesan.
6. K. Govindan.
7. C.Muniyan.

..Appellants.

And

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

Respondent.

In the matter of Arulmigu Durgaiamman Temple, Erikarai, Melmalayanur Village, Gingee 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: 11.7.2011 of the Joint Commissioner, HR & CE Admn.Dept., Villupuram in dismissing the O.A 15/2008 filed under Section 63 (b) of the Act.

Annexure to Order in R.Dis. A.P.69/2011 (D2) dated: 4.1.2013.

The above appeal petition has been filed under Section 69(1) of the Act against the order dated 11.7.2011 of the Joint Commissioner, Villupuram in dismissing the O.A. 15/2008 filed under Section 64 (1) of the Act.

2. The Original Application has been filed under Section 64 (1) for a settlement of scheme of administration for the appointment of Trustees from Oddan Chettiar community hailing from three streets of Melmalayanoor village. The Joint Commissioner dismissed the above O.A. stating that the petitioners have not produced any document to show that the said community people have founded the temple and they have not produced any document to show that they have renovated the temple and

constructed Mandapam. They failed to establish that the community is a religious denomination and the community people were instrumental for its foundation and they found it for an intention of use and benefit for their community.

3. The appellant contended that the Joint Commissioner has failed to consider the evidentiary value of the various documents filed by the appellants and the Joint Commissioner failed to see that the Inspector of H.R. & C.E. Department clearly admits that the Religious Institution was managed, maintained by the Oddan Chetty community people from time immemorial. The Joint Commissioner did not assign any reason for rejecting the evidence of the Inspector

4. I have heard Thiru S. Radhakrishnan, Counsel for the appellants and perused the relevant records. The Counsel for the appellant narrated and reiterated the grounds of memorandum of appeal filed by the appellant. On perusal of the annexure to the order containing grounds for rejection, the Joint Commissioner has simply enumerated certain document filed without discussing its evidentiary value and how far the said documents support or not supports the claim of the petitioners by applying his mind judicially before taking into a decision. The Joint Commissioner has not analyse the documents and depositions, but came to a conclusion without any justification. Therefore, the order dated 11.7.2011 of the Joint Commissioner, Villupuram suffers from infirmity and 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 denova after affording the appellants 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 the order. The appellants shall also co-operate 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.