

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

Friday the 28<sup>th</sup> day of December, Two thousand and Twelve.

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

A.P.70/2011/ D2

Between.

K. Thavalinga Selvarayar  
S/o Kanapathy Rayar.

..Appellant.

And

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

.. Respondents.

In the matter of Arulmigu Vinayagar, Ayyanar, etc. temples,  
Melapalaiyur, Virudhachalam Taluk, Cuddalore 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:14.7.2011 of the Joint Commissioner, H.R.&C.E Admn.  
Department, Villupuram dismissing the O.A.2/2007 filed under Section  
63 (b) of the Act.

Annexure to Order in R.Dis.A.P.70/2011 (D2) dated: 28.12.2012.

The above Appeal Petition has been filed against the Order dated  
14.07.2011 of the Joint Commissioner, H.R.&C.E Admn Department,  
Villupuram in dismissing the O.A. 2/2007 filed under Section 63 (b) of  
the Act.

1. The appellant as petitioner filed O.A.No.2/2007 before the  
Joint Commissioner, HR&CE Admn Department, Villupuram under  
Section 63(b) of the Act claiming that the office of trusteeship to the  
above temples is hereditary and the petitioner is holding office as  
hereditary trustee. The Petitioner adduced evidence both documentary

and oral to substantiate his case. But, the Joint Commissioner dismissed the claim placing reliance upon the report of the Inspector who deposed as C.W.1 that 5 non-hereditary trustees were appointed by the Assistant Commissioner, HR&CE Admn. Dept., Cuddalore in the year 1981, 1985 and 1997. In 1997, the appellant was also appointed as one of the Non-Hereditary trustee and he was nominated as Chairman Board of Trustees on 13.07.1998. The appellant has also failed to file and prove any genealogical table with authenticate records about the management of the temple by his family members. The appellant himself admitted that he was not the founder of the said temple.

2. The appellant contended that the Joint Commissioner has failed to see that the appellant is holding the office as Hereditary Trustee for the past six generations from father to son and also the Joint Commissioner has failed to make legal analysis of the documents filed in support of the application and there is no contra evidence.

3. I heard Thiru W.C.Thiruvengadam, Counsel for the appellant and perused the relevant records. On perusal of the annexure to order containing grounds for rejecting the claim of the petitioner, it is evident that non-hereditary trustees were appointed by the department in the year 1981 onwards and the appellant also appointed as one of the trustees in the year 1997 and the same was admitted by the appellant's counsel. The appellant as petitioner filed 5 documents which were marked as Ex.A.1 to A.5 which are all of recent origin from 2002 onwards. The appellant has stated the name of his predecessors in office in the Original Application but failed to append any genealogical tree and further failed to file any substantive records to prove and trace their management in the temple as claimed by him. No steps have been taken to trace the genealogy with necessary

evidence. All the documents filed by the appellant are of recent origin and do not lend any support to the case of the appellant. That's why the Joint Commissioner has rightly dismissed the claim of the appellant herein. I see no infirmity or illegality in the order dated 14.07.2011 passed by the Joint Commissioner, HR&CE Admn Dept., Villupuram in O.A.No.2/2007, which warrants any interference.

Therefore, the appeal fails and deserves to be dismissed as devoid of any merits and accordingly it is dismissed as devoid of any merit and the order dated 14.07.2011 passed by the Joint Commissioner, HR&CE Admn Dept., Villupuram in O.A.No.2/2007 is hereby confirmed.

/typed to dictation/

Sd. P. Dhanapal,  
Commissioner.

/true copy/by order/

Superintendent.