

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

Tuesday the 18th day of December, Two thousand and twelve.

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

A.P. 74/2011/ D2

1. V.P. Radhakrishnan.
2. V. Arikrishnan.
3. M. Thirumeni.
4. R. Venkatasamy.
5. M. Vaithilingam.

.Appellants.

In the matter of Arulmigu Vettai Venkatrayaperumal Temple,
Melpattambakkam, Panruti 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: 02.06.2011 of the Joint Commissioner, HR & CE Admn.Dept., Villupuram dismissing the O.A No.4/2010 filed under Section 64 (1) of the Act.

Annexure to Order R.Dis. A.P.74/2011 (D2) dated: 18.12.2012.

The above appeal petition has been filed under Section 69(1) of the Act against the order dated 02.06.2011 of the Joint Commissioner, Villupuram dismissing O.A. 4/2010 filed under Section 64 (1) of the Act for the settlement of scheme of administration with a provision for the appointment of Trustees from Adi Dravidar, Vanniyar and Reddiar community people hailing from Melpattambakkam village. The Joint Commissioner dismissed the O.A. 4/2010 stating that the petitioners have not produced any document or oral evidence to prove that the

said temple was founded by Adi Dravidar, Vanniyar and Reddiar community people only. Further Trustees were appointed by the department since 1961 under Section 49 of the act.

2. The case of the petitioner is that the Joint Commissioner ought to have considered that the necessity of appointment of trustees including Managing Trustee for the temple to administer and perform renovation works in the interest of the public at large and also the devotees of the said temple, instead the Joint Commissioner appointed a fit person which clearly shows the arbitrary and highhandedness. The Joint Commissioner also failed to consider that though the petitioners have proved their case by showing necessity for appointment of trustees to administer the temple legally, since the appellants are belonged to various communities including schedule caste, but the same was convinced to grant of such approval for appointment of trustees without considering the case of the appellants which was caused serious injustice to the appellants. The temple was administered by the present Managing Trustee and neither any irregularity nor any communal clash was found in the said temple.

3. I heard Thiru R. Thanjan, Counsel for the appellants and having perused the relevant records. In the annexure to order passed by the Joint Commissioner, Villupuram, the Joint Commissioner has elaborately discussed the evidentiary value of the documents filed by the appellant. Ex.A1 two photographs of the temple, Ex.A2 Kist receipts dated 14.4.2008 issued in the name of the Venkatachalapathy Temple to present trustee. Ex.A3 is Electricity Board receipts dated 10.11.2008 without any name of the Trustees. Ex.A4 and A5 letters dated 3.12.2008 sent to the Joint Commissioner, Villupuram to settle a scheme of administration by Melpattambakkam Peruratchi Nalasangam and President of Melpattambakkam Panchayat. All the documents filed relates to the year 2008 only. But the appellants herein failed to produce any document to prove that the said temple was founded by Adi-Dravidar, Vanniyar and Reddiar community people of

Melpattambaikkam village alone. Further it is pertinent to point out that the trustees were appointed by the Department from the year 1961 onwards from various communities invoking the provisions of Section 49 of the Act. Except ground (d) even though, the same was not proved, no satisfactory reason has been adduced before the Joint Commissioner to have reasons to believe that the interest of the proper administration of the temple, a scheme should be settled in the absence of the same. I see no valid grounds to interfere with the order of the Joint Commissioner.

Therefore, the order dated 02.06.2011 passed by the Joint Commissioner, Villupuram does not warrant any interference and the same be and is hereby confirmed. The appeal petition fails and the same is liable to be dismissed and accordingly it is hereby dismissed as devoid of merits.

/typed to dictation/

Sd. P.Dhanapal,
Commissioner.

/true copy/by order/

Superintendent.