

**BEFORE THE COMMISSIONER, HR&CE ADMN DEPARTMENT, CHENNAI-34.**

**Friday the 5<sup>th</sup> day of July, Two Thousand and thirteen.**

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

**A.P. 60/2012 D2**

**Between.**

**E.K. Ravichandran, S/o Kanniappa Gowder.**

**Appellant.**

**And**

- 1. M.S. Rajkumar.**
- 2. G. Thepaiah Gowder.**
- 3. G. Ramanujam.**
- 4. P.Velliyankgiri**
- 5. P. Saminathan.**
- 6. The Executive Officer, Arulmighu  
Hanumantharayasami Thirukoil,  
Edukampalayam, Mettupalayam Taluk,  
Coimbatore District.**
- 7. R. Kanniappan.**
- 8. P. Subramani.**
- 9. R. Rangasamy.**
- 10. K. Solavappa Gowder.**

**... Respondents.**

**In the matter of Arulmighu Hanumantharayaswamy Temple,  
Edukampalayam, Mettupalayam Taluk, Coimbatore District.**

**The Appeal petition filed under Section 69(1) of the Tamil Nadu  
H.R.& C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) against the Order  
dated 22.2.2012 of the Joint Commissioner, HR & CE Admn.Dept.,  
Coimbatore in dismissing the O.A.25/09 filed under Section 64 (5) of the  
Act.**

**Annexure to Order in R.Dis. A.P. 60/2012 D2 dated : 5.7.2013.**

**The above appeal petition filed under Section 69(1) of the Act  
against the order dated 22.2.2012 of the Joint Commissioner,**

Coimbatore in dismissing the O.A. 25/2009 filed under Section 64 (5) of the Act.

2. The appellant contended that the Joint Commissioner failed to consider the entire facts and circumstances of the case, particular relief sought in the petition for modifying the scheme settled in O.A. 33/2005. He failed to consider that the Respondent 1 to 5 who are collecting huge amount from the public in the name of the temple and they minting money under the name of 'Kuzhu'. The Kuzhu acting unauthorisedly, illegally and voluntarily interfering in the administration of the temple. The Joint Commissioner failed to consider the audit report in respect of illegal collection and mismanagement of the said 'Kuzhu'.

3. I heard Thiru R. Thanjan, Counsel for the Appellant and Thiru W.C. Thiruvengadam, Counsel for the Respondents R1 to R3 and R5, Thiru E. Ganesh, Counsel for the Respondent 6/Executive Officer and perused the relevant records. The counsel for the appellant narrated and reiterated the grounds of memorandum of appeal filed by the Appellant. The counsel for R1 to R3 and R5 argued that in O.A. 33/05 a scheme has been settled by the Joint Commissioner, Coimbatore by order dated 4.6.2007. Against which the appellant along with some others filed Appeal under Section 69(1) of the Act before the Commissioner in A.P.40/2008 and the same was dismissed by the Commissioner by order dated 23.2.2009. Against which no appeal was preferred under Section 70 of the Act, so order dated 4.6.2007 in O.A. 33/05 becomes final. Hence, the appellant cannot challenge the same order again and appeal is not maintainable. But the contention of the respondent is not accepted because O.A. 25/09 was filed to modify the scheme. Hence, it cannot be construed as second level of litigation. Under Section 64 (5) of the Act, the Joint Commissioner is empowered to modify or cancel any scheme in force settled under Section 64 (1) of the Act.

4) On a perusal of the annexure to order passed by the Joint Commissioner, containing grounds for the above order, the petitioner

filed 24 documents in support of their claim, but the Joint Commissioner simply enumerated the document filed by the petitioner without discussing the evidentiary value by applying his mind judicially before taking such a decision. In the cross examination, the Inspector has deposed that “எதிர்மனுதாரர்களது மன்றத்தில் உள்ள தவறுகள் எல்லாம் திருக்கோயில் பெயரினை பயன்படுத்தி வசூல் செய்து வருகிறார்கள் என்பதை தனது விசாரணையில் தெரிந்து கொண்டதாகவும், தற்போதுள்ள நிர்வாகத் திட்டத்தில் பொதுமக்கள் அனைவருக்கும் பிரதிநிதித்துவம் இல்லையென்றும், தாவா மனு அனுமதிக்கப்பட்டால் அனைவருக்கும் பிரதிநிதித்துவம் ஏற்கும் வகையில் அமையும்”. Further from Ex.24, it is proved that the “Kuzhu” collected Rs. 33,44,143/- towards Annadhanam and Rs. 1,77,734/- towards Abhisheka Kattalai from the devotees. So, it is proved beyond doubt that the respondents were illegally collected funds from the public in the name of the temple.

5) The origin of the temple is unknown. Undisputedly it is an ancient one. But, “Arulmighu Hanumantharayaswamy Temple Tamil Month First Saturday Festival Committee” is registered in the year 1996 only. And temple is not maintained from the funds of the said committee, but from the donations collected from the Public. It is admitted by the respondent that the said “Kuzhu” has only 43 members. In the counter filed by the Executive Officer in O.A. 25/09, he has stated that “மனுக்கோயில் வளர்ச்சியிலும், அதன் முன்னேற்றத்திலும், பல்லாயிரக்கணக்கான மக்களுக்கு ஈடுபாடு உள்ள நிலையில் . . .” So, it is clear that several thousands of devotees are interested in the development of the temple not only the said “Kuzhu” alone. Further, the Executive Officer has stated in the counter affidavit, that “திருக்கோயில் பெயரை பயன்படுத்தி மூன்றாம் நபர்களால் நன்கொடை வசூல் செய்வதை தடை செய்ய நடவடிக்கை எடுக்கப்பட்டு தற்போது அவ்வாறான நன்கொடைகள் ஏதும் வசூல் செய்யப்படவில்லை . . .” Further “மனுக்கோயிலானது பட்டியலைச் சேராத திருக்கோயிலாக இருந்தபோது, இடுகம்பாளையம், தமிழ் மாதம் முதல் சனிக்கிழமை விழாக்குழு என்ற அமைப்பில் மனுக்கோயிலில் திருப்பணி, கும்பாபிஷேகம் அன்னதானம் போன்றவைகளுக்கு

திருக்கோயில் பெயரைப் பயன்படுத்தி நிதி வசூல் செய்வதாக வரப்பெற்ற புகார் மீது நடவடிக்கை மேற்கொள்ளப்பட்டு, மேற்படி குழுவில் வசூலிக்கப்பட்ட தொகைகள் மற்றும் செலவினங்களுக்கான 1.4.2005 முதல் 30.4.2010 முடியவுள்ள வரவு செலவுக் கணக்குகள் செயல் அலுவலரிடம் ஒப்படைக்கப்பட்டது. **So allegations leveled against the respondents by the petitioner were also accepted by the Executive Officer of the temple. The respondents never denied the said allegations.**

**The Petitioner in O.A. filed various documents in support of their claim. But the Joint Commissioner failed to analyze the documents legally. For the above reason, the impugned order suffers from infirmity and liable 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 appellant and others an opportunity of being heard and dispose of the same in accordance with law within a period of 3 months from the date of receipt of a copy of this order. Both the appellant and respondents 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.**