

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

Thursday the 28th day of February , Two thousand and Thirteen.

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

A.P. 64/2012 D2

Between.

1. Anaimuthu
2. Chellamuthu.
3. P.M. Perumal
4. P.A. Raju
5. Singaravelu
6. V. Chandrasekaran.

..Appellants.

And

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Dept.
Salem.1
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Dept.
Salem.1

..Respondents

In the matter of Arulmighu Rayadurai and Pachaiamman Temples, Palaniyapuri village and Post, Athur Taluk, Salem 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 25.10.2012 of the Joint Commissioner, H.R & C.E Admn.Dept., Salem in R.Dis. 7765/2012 filed under Section 64 (1) of the Act.

Order in R.Dis.A.P. 64/2012 D2 dated : 28.2.2013.

The above Appeal Petition having come on for final hearing before me on 1.2.2013 in the presence of Thiru W.C. Thiruvengadam, Counsel for the Appellants, upon hearing the arguments and after perusing the records, the following order is made:-

ORDER.

The above appeal petition filed under Section 69(1) of the Tamil Nadu H.R. & C.E. Act, 1959, against the order of the Joint Commissioner, Salem in R.Dis. 7765/2012 filed under Section 64 (1) of the Act. The Joint Commissioner dismissed O.A. filed under Section 64 (1) of the Act without numbering it.

2. The case of the appellant is that they filed Original application under Section 64 (1) of the Act on 16.7.2012 before the Joint Commissioner. The Joint Commissioner, Salem instead of numbering the Original Application has passed final order in R.Dis. 7765/2012 dated 25.10.2012 and rejected the application by passing final order which is against law. The appellants has also contended that they are entitled to file the Original Application under Section 64 (1) of the Act, it is mandatory on the part of the Joint Commissioner to number the Original Application if it is in order and after hearing the parties concerned, pass orders as prayed or reject the original application itself. But the Joint Commissioner, without numbering the Original Application or returning the Original Application, has passed final order on the ground of some other facts, which are irrelevant to the facts of the case, and the order is liable to be set aside and remanded to the lower court to number the same and proceed in accordance with law.

3. I have heard Thiru W.C. Thiruvengadam, Counsel for the appellants and the Joint Commissioner, Salem and perused the relevant records. The Joint Commissioner, Salem has assured that in future such things will not recur. Hence, the order dated 25.10.2012 of the Joint Commissioner, Salem is hereby set aside. And the matter is remitted back to the Joint Commissioner for fresh enquiry. The Joint Commissioner is directed to number the O.A. filed under Section

64 (1) of the Act and hold an enquiry as per procedures laid down in "The holding of inquiry rules" and pass orders in accordance with law. With the above direction, the appeal petition is allowed.

/typed to dictation/

Sd. P. Dhanapal,
Commissioner.

/ true copy/ by order/

Superintendent.

To

1. The Appellant through through Thiru W.C. Thiruvengadam, Advocate, No.23, Bagavantham Street, T.Nagar, Chennai.17.
2. The Joint Commissioner, HR&CE Admn.Dept., Salem.

Copy to:

3. The Assistant Commissioner, HR & CE Admn.Dept. Salem.
4. The Inspector, HR&CE Admn.Department, Athur.
5. Extra.