

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

Tuesday the 30th day of April, Two thousand and thirteen.

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

A.P. 4/2012 D2

Between.

Selvaraj S/o Seperumal.

.. Appellant

And

The Joint Commissioner, HR & CE Department,
Villupuram.

Respondent.

In the matter of Arulmigu Nallaragavaperumal Temple, situated at
Sepplanatham South Village, Viruthachalam 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
20.10.2011 of the Joint Commissioner, HR & CE Admn.Dept, Villupuram
in O.A. No.1/2009 filed under Section 63(b) of the Act .

Annexure to Order in R.Dis. A.P. 4/2012 D2

Dated : 30.4.2013.

The above Appeal petition has been filed under Section 69(1) of the
Act against the order dated 20.10.2011 of the Joint Commissioner,
Villupuram in dismissing the O.A. 1/2009 filed under Section 63 (b) of
the Act. The O.A. was dismissed by the Joint Commissioner stating that
there is no evidence to show that the petitioner's grandfather's father
Veeramuthu and the petitioner's grandfather Veerasamy were in
management of the said temple. The petitioners were not proved that the
said temple was under the management of the petitioner's ancestors
continuously for three generations. The petitioner's father and his
brother were appointed as non-hereditary trustees to the above temple.

2. The appellant contended that the trusteeship in the above
temple has been vested with the family of the appellant and his ancestors

in an unbroken line of succession from father to son. The appellant's great grandfather one Veeramuthu has purchased granite stones for the construction of the said temple but he could not construct the temple, he passed away and his son Veeraswamy took over the management and completed the construction work and performs Thiruppani works at the temple.

3. I heard Thiru M. Rukmangathan, Counsel for the appellant and perused the relevant records. The appellants herein failed to produce any documents to prove that his ancestors were in management of the temple. Ex.A1 to A3 related to lands belonging to the temple, wherein only the name of the temple is mentioned. Further, the appellant's father and his brother were appointed as trustees by the Department. The temple is continuously under the management of non-hereditary trustees appointed by the department. Though the Hon'ble High Court held that the appointment of non-hereditary trustees is not a bar to claim hereditary right, but the person claiming hereditary right shall prove his claim with valid evidences. In this case, the appellant failed to prove that the management of the suit temple is vested with their family for several generations with clinching evidence.

For the foregoing reasons, I find no infirmity or illegality in the order dated 20.10.2011 of the Joint Commissioner, Villupuram and appeal petition deserves no consideration. Accordingly, the impugned order of the Joint Commissioner, Villupuram is hereby confirmed and the appeal petition is dismissed as devoid of merits.

/ typed to dictation/

Sd. P.Dhanapal,
Commissioner.

/ true copy/ by order/

Superintendent.