

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

Friday the 23rd day of November, Two thousand and twelve.

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

A.P. 14/2012 D2

Between

1. Singaravelu
2. S. Natesan.
3. N. Thiruneelakandan..

Appellants.

And

1. The Joint Commissioner, HR & CE Dept., Thanjavur.
2. The Fit Person/Executive Officer, Arulmighu Subramaniaswamy Temple, Vendakottai village & Post, Pattukottai Taluk, Thanjavur District.
3. Ramasamy Velalar.
4. Palanivel Velalar.
5. Perunthagai Ilango.
6. Rajendran Thondaiman.
7. Rengasamy Mudaliar.
8. Solaivasan..

.. Respondents.

In the matter of Arulmighu Subramaniaswamy Temple, Vendakottai, Pattukottai Taluk, Thanjavur District.

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: 8.2.2011 of the Joint Commissioner, H.R.&C.E, Admn. Department, Thanjavur in allowing the OA 5/07 filed under Section 63 (b) of the Act. .

Annexure to Order in R.Dis. A.P. 14/2012 (D2) Dated : 23. 11.2012.

The above appeal petition filed against the order dated 8.2.2011 of the Joint Commissioner, Tanjavur in allowing the O.A. 5/2007 filed under Section 63 (b) of the Act and declaring the respondents 3 to 8 as hereditary trustees of the temple.

2. The contention of the appellants is that the office of Trusteeship in the aforesaid temple is not hereditary, but the temple as a whole belonging to the entire villagers, who are residing time immemorial in the village and as such the temple has been worshipping by them as mass prayer, but by any stretch of time, it has never been vested in the management of the Respondents 3 to 8 herein as Hereditary Trustees. The Respondents filed O.A. 5/2007 under Section 63(b) of the Act before the Joint Commissioner, Thanjavur, impleading the fit person as respondent, colluded with him and some other in the village, got declared as persons holding office as Hereditary Trustees representing each Karai. The declaration has been granted based on the Karai system, which is not found under the provisions of the Act. Appellants would further contend that proceeding of O.A. has not been made known to the villagers and villagers are not aware of the pendency of O.A. In fact the order passed by the Joint Commissioner Thanjavur in O.A.No.5/2007 dated 8.2.2011 has been kept secret by the respondents 3 to 8 herein and the appellants who are the persons having interest in the affairs of the temple, was not aware of the declaration. The documents filed by the respondents did not prove their claim and it is not known how the succession in each Karai has taken place in the past 5 generations in an unbroken line of succession from father to son. Hence, the impugned order is liable to be set aside.

3. I have heard Thiru N. Sathyamurthi, Counsel for the appellants, Thiru K. Jeyaraman, Counsel for the Respondents 3 and 6 to 8, and Thiru V.E. Sivaguru, Counsel for the the 5th Respondent and perused the relevant records.

4. The appellants hail from the same village and they are persons having interest in the affairs of the temple. On perusal of the records, there is no proof for having affixed the notice of enquiry in O.A. in the temple notice board, other conspicuous place in the temple premises, village chavadi and got published and made known to the villagers. Hence, to meet the ends of justice, and to adhere principles of natural justice, it is advisable to remit back the matter to the Joint Commissioner to hear the Appellants, Respondents and all other persons having interest in the affairs of the temple by affording reasonable opportunity to put forth their case. Therefore, the impugned order dated 08.02.2011 made in O.A,5/1987 is hereby set aside and the matter is remitted back to the Joint Commissioner to hold an enquiry denova after affording the appellants, respondents and other persons having interest in the above matter an opportunity of being heard to put forth their case and dispose the same in accordance with law within a period of 3 months

from the date of receipt of copy of this order. The appellant and respondent shall also cooperate for the expeditious disposal of the O.A. enquiry without any default. With the above directions, the appeal petition is disposed of.

/typed to dictation/

Sd. P.Dhanapal,
Commissioner.

/ true copy/ by order/

Superintendent.

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