

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

day the day of December, Two Thousand and Twelve.
Thiruvalluvar Aandu 2043

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

A.P. 8/2012 D.2

Between.

1. Nadathoor Janarthana Swamigal
@ Aravind Swamigal

... Appellants.

2. Hemalatha

And

1. The Joint Commissioner,
HR&CE Dept.,
Villupuram

... Respondents

In the matter of Arulmigu Kalamman Temple, PeriaReddiapatty,
V.Singarakkottai Village and Post, Vedasanthur Taluk, Dindigul 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
28-02-2011 passed by the Joint Commissioner, HR & CE Admn. Dept.,
Madurai rejecting I.A.No.07/2008 in O.A.No.8/2008 filed under Section
64 (4) of the Act pending disposal of O.A.No.8/2008 filed under section
64(1) of the Act.

Annexure to Order in R.Dis.A.P.30/2011(D2) dated:- -12-2012.

1. The above appeal petition has been preferred against the order dated 28-02-2011 passed by the Joint Commissioner, HR & CE Admn. Dept., Madurai rejecting I.A.No.7/2008 filed in O.A. 8/2008 under section 64(4) of the Act and thereby appointing the Executive Officer of Arulmigu Vandikaliyamman Temple, Dindigul Town and Taluk as Fit Person to the petition mentioned temple pending disposal of the O.A.No.8/2008 filed under section 64(1) of the Act.

2. The appellants herein as petitioners filed O.A.No.8/2008 before the Joint Commissioner under Section 64(1) of the Act seeking to frame a scheme of administration to the temple under question. Pending framing of scheme, the petitioners took out an interlocutory application No.7/2008 seeking to appoint one V.Murugan as Fit Person to the temple under section 64(4) of the Act. At the time of filing the Original Application there is no respondents. But, some third party impleading petitions have been filed in the said O.A. and as many as 37 persons have been impleaded as respondent. As there is rival claimants to the office, the Joint Commissioner, after considering the disputes between the petitioners and respondents, rejected the plea of the petitioners and thereby appointed a neutral person, Government Official viz., the Executive Officer of Arulmigu Vandikaliyamman Temple, Dindigul as Fit Person to the temple to avert any law and order problem and to preserve public tranquility. The said order is now under challenge.

3. The appellants contended that the Joint Commissioner have failed to consider that they have been looking after the day to day affairs of the temple and so they sought for the appointment of one of the members of the trust as Fit Person. But, the Joint Commissioner without affording any opportunity to adduce evidence passed order unilaterally. The Joint Commissioner ought to have considered that appointing trustees as Fit Person would be conducive in the present circumstances and the apprehended law and order problem cannot be a ground for appointing the Executive officer as Fit Person.

4. Thiru R.Kannan, Advocate, appeared for the respondents. I heard Thiru R.Natarajan, learned counsel for the appellants and Thiru R.Kannan, learned counsel for the respondents and perused the relevant records.

5. The appellants herein filed O.A.No.8/2008 under section 64(1) of the Act before the Joint Commissioner to settle a scheme of administration with a provision to appoint non-hereditary trustees from among the Reddiar community people of the area for whose benefit the institution is chiefly intended or maintained. Third party impleading petitions was filed in I.A.No.6/2008 and the same was allowed by order dated 28.02.2011.

6. As seen from the records, there has been disputes between the two rival factions regarding conduct of annual festival in

the temple which lead to law and order problem in the village. Peace committee conciliatory talk was conducted on 11-03-2010 in the presence of the Revenue Divisional Officer, Palani and it was decided to conduct the annual festival under the supervision of the officer appointed by the HR&CE Department. Accordingly, the Joint Commissioner, Madurai has appointed Special Duty Officer to conduct the festival in Rc.No.2042/2010 C.3 dated 17-03-2010 which was challenged in W.P.(MD)No.3802/2010 before the Madurai Bench of Madras High Court, and the Hon'ble Court passed the following orders on 26-03-2010.

"In view of the limited time and since the temple festival is already scheduled on 28-03-2010 to 31-03-2010, the petitioner trust is permitted to conduct the temple festival in the presence and supervision of the Executive Officer so appointed by the second respondent by an order dated 17-03-2010. The Executive Officer shall not only monitor the temple festival, but also he shall monitor the income and expenses of the petitioner's trust at the time of performing the festival. For the purpose, the petitioner trust shall forward all the income and expenses to the Executive Officer. Further the Executive Officer so appointed by the second respondent is at liberty to approach the police authorities seeking necessary police protection.

If such a request is made either by the Executive Officer or by the petitioner or by the third party, it is the duty of the concerned police officers to provide adequate police protection. I make it very clear that neither of the groups shall cause any problem at the time of conducting the festival. This is only an interim arrangement and the same shall not stand at the time of final disposal of the matter, which shall be decided on its own merits after counter affidavits are filed by the respondents"

Finally, the W.P.(MD)No.3802/2010 was dismissed by orders dated 19.04.2010

7. The counsel for the respondent has pointed out that W.P.(MD)no.11759/2010 filed by the appellants herein challenging the order dated 07-09-2010 made in Rc.No.6800/2010 A..3 of the Joint Commissioner, refusing to give permission for conducting the "Eighth year Varsushabishegam" was dismissed by the Hon'ble High Court by orders dated 15-09-2010 observing that *"As it has been stated by the learned counsel for the respondent that granting of permission to the petitioner to conduct the festival would lead to law and order situations, unless a Peace Committee is formed and the festival is conducted under the strict supervision of the concerned Hindu Religious and Charitable Endowments authorities, as it has been done on the previous occasions, it may not be appropriate for the respondent to permit the petitioner to conduct the festival*

8. From the above, it is evident beyond reasonable doubt that there is dispute between the two rival factions which lead to law and order problem in the village. Further, the appellants himself filed I.A.7/2008 in O.A.No.8/2008 under section 64(4) of the Act seeking to appoint one of his trust member as Fit Person to the temple and therefore, the Joint Commissioner has applied his mind judicially taking note of the prevailing situation in the village in conducting festival and passed the impugned order rightly. Therefore, the plea of the appellants that The Joint Commissioner ought to have considered that appointing trustees as Fit Person would be conducive in the present circumstances and the apprehended law and order problem cannot be a ground for appointing the Executive officer as Fit Person is not convincing and unacceptable. Further, the impugned order passed under section 64(4) of the Act is a temporary measure and shall remain in force till settlement of a scheme of administration to the temple. It is seen that the Fit Person has also taken charge of the temple on 28-03-2011 and is looking after the day to day administration of the temple.

9. For the above said reasons, I see no infirmity or illegality and find no better valid justifiable reasons to interfere with the impugned interim order of the Joint Commissioner, H.R.&.C.E. Admn. Dept., Madurai dated 28-02-2011 made in I.A.No.7/2008 in O.A.No.8/2008 filed under section 64(4) of the Act and accordingly the

same is hereby confirmed. In fine, the appeal fails and the same deserves for dismissal as devoid of any merits and accordingly the same is dismissed as devoid of any merits.

However, the Joint Commissioner is directed to dispose of the O.A.No.8/2008 filed under section 64(1) of the Act as expeditiously as possible and the appellants, the respondents and other persons having interest if any, shall co-operate with the authority to complete the enquiry and to pass final orders on merits and in accordance with law.

/typed to dictation/.

Commissioner.

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

day the day of December, Two Thousand and Twelve.
Thiruvalluvar Aandu 2043

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

A.P. 30/2011 D.2

Between.

1. N.Selvakumaran,
2. S.N.R.Thambi Karunanithi,
3. V.Murugan,

4. S.Murugan,
5. P.Senthil,
6. V.Maniarasan,
7. K.Veluchamy,
8. V.Kuppusamy,
9. K.Suresh,
10. R.Chithiravel,
11. P.Selvam,
12. Palanichamy,
13. S.Rajasekaran,
14. V.Karuppiah,
15. P.Ramachandran.

... Appellants.

And

1. N.Chandran,
2. N.Manivel,
3. M.Elangovan,
4. T.Raju,
5. R.Velumani,
6. C.Kadukasalam,
7. V.Amalraj,
8. N.Gopalakrishnan.

... Respondents

In the matter of Arulmigu Kalamman Temple, PeriaReddiapatty,
V.Singarakkottai Village and Post, Vedasanthur Taluk, Dindigul District.

Appeal Petition filed under Section 69(1) of the Tamil Nadu
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28-02-2011 passed by the Joint Commissioner, HR & CE Admn. Dept.,
Madurai rejecting I.A.No.07/2008 in O.A.No.8/2008 filed under Section
64 (4) of the Act pending disposal of O.A.No.8/2008 filed under section
64(1) of the Act, and appointing the Executive Officer of Arulmigu.
Vandikalamman Temple, Dindigul as Fit Person to the temple

Order in R.Dis. A.P. 30/2011 (D2) dated: -12-2012.

The above Appeal Petition having come on for final hearing before me on 11-12-2012 in the presence of Thiru R.Natarajan, Counsel for the Appellants, and Thiru R.Kannan, Counsel for the Respondents and after hearing their arguments and upon perusing the connected records and the matter having stood over for consideration till this day, the following order is made:-

ORDER.

The impugned interim order of the Joint Commissioner, H.R.&C.E. Admn. Dept., Madurai dated 28-02-2011 made in I.A.No.7/2008 in O.A.No.8/2008 filed under section 64(4) of the Act, be and is hereby confirmed and the appeal petition be is hereby dismissed as devoid of any merits.

/typed to dictation/

Commissioner.

Note:

Certified copy of annexure to the order containing the grounds will be furnished on receipt of a regular copy application duly affixed with a Court fee stamp of 0.25 p. with sufficient number of copy stamp papers valued at Re.1/-

To

1. The Appellants through Thiru R.Natarajan, Advocate,
14, Law Chambers, High Court Buildings, Chennai 600 014.
2. The Respondents, through Thiru R.Kannan, Advocate,
No.274, New Addl. Law Chambers, High Court Buildings,
Chennai.600 014.

Copy to:

3. The Joint Commissioner, HR & CE Admn. Dept., Madurai.1
(Rc. 5985/2012 C1) (With a copy of annexure to order) Encl: The
file in O.A.8/2008 (Pages 292 is returned herewith.
(**By Regd.Parcel**) The receipt of the records should be
acknowledged immediately.
4. The Assistant Commissioner, HR & CE Admn. Dept., Dindigul.1
(with a copy of annexure to order).
5. The Inspector, HR & CE Admn. Dept., Dindigul
6. & 7. Extras.