

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

Tuesday the 23rd day of April, Two thousand and thirteen.

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

A.P. 3/2013 D2

Arulmighu Sri Ayyappan Sangam, Sivakasi through its
President and Secretary V. Deivaraj and S. Alagesan
respectively.

Appellant.

In the matter of in the matter of Arulmighu Sri Ayyappan Temple,
Sivakasi.

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 15.12.2011 of the Joint Commissioner, HR & CE, Sivagangai in
dismissing the O.A. 15/2003 filed under Section 63 (b) of the Act.

Annexure to Order in R.Dis. A.P. 3/2013 (D2) dated :23.4.2013.

The above appeal petition filed under Section 69(1) of the Act
against the order dated 15.12.2011 of the Joint Commissioner,
Sivagangai in dismissing the OA 15/2003 filed under Section 63 (b) of
the Act.

2. The appellant contended that the petitioner is a Sangam
registered under the Societies Registration. Members of the Sangam
from out of their contribution constructed Ayyappan temple and
performed Kumbabishegam in 1996 and maintaining the temple. The
temple is only for the benefit of the members of the Society. Hence,
O.A. 15/2013 was filed under Section 63 (b) of the Act to declare the
petitioners' sangam as Hereditary Trustee of the temple. The Petitioner
Sangam has clearly brought out the evidence that the President and the
Secretary are the sole contributory for the construction and
Kumbabishegam and the public money is not involved. The Joint

Commissioner has deliberately omitted to pursue the evidence filed on the petitioner side and the Inspector's report.

3. I heard Thiru E. Ganesh, Counsel representing Thiru P. Madhavan, Counsel for the appellant and perused the relevant records. The appellant is a Sangam registered under Societies Registration Act. The appellant filed O.A. 15/03 to declare the Sangam as Hereditary Trustees of the temple. The above O.A. was filed on the ground that the petitioner sangam is the founder of the temple, and hence the sangam entitled to be hereditary trustee. In the case of Vedantha Sabha Vs. Commissioner, HR & CE, reported in 2004 (3) MLJ Page 160, the Hon'ble Supreme Court has held that fluctuating body like Sabha cannot be held to be Hereditary Trustee. In view of the above settled proposition, the appellant's claim is not sustainable.

Hence, I find no infirmity in the order dated 15.12.2011 of the Joint Commissioner, Sivagangai and appeal petition deserved no consideration. Accordingly, the order dated 15.12.2011 of the Joint Commissioner, Sivagangai 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.