

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

Tuesday the 18th day of November, Two thousand and Fourteen.

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

A.P. 30/2014 D2

Between.

1. P. Periyasamy
2. P. Muthiah Gounder.

..Appellants.

And

1. The Joint Commissioner,
H.R. & C.E. Admn.Department,Trichy.
2. P.V.N. Vellaisamy Gounder.
3. Fit Person, Arulmighu Munnodi
Karuppannasamy Nayanmar Kannimarsamy
Vakaiyara Temple,
Poigaipatti, Manaparai Taluk, Trichy District.

... Respondents.

In the matter of Arulmighu Munnodi Karuppannasamy Nayanmar,
Kannimarsamy Vakaiyara Temple, Poigaipatti, Manaparai Taluk, Trichy
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
17.4.2014 of the Joint Commissioner, HR & CE Admn.Dept., Trichy in
O.A. 14/2013 B4 filed under Section 63 (b) of the Act.

Order in R.Dis. A.P. 30/2014 D2 dated : 18.11.2014.

The above Appeal petition having come on for final hearing before
me on 10.10.2014 in the presence of Thiru E. Ganesh, Counsel for the
appellants, Thiru R. Vijayakrishna , Counsel for the 2nd Respondent and
the 3rd Respondent/Fit person in person. . Upon hearing their
arguments and after perusing the connected records and the matter
having stood over for consideration till this day, the following order is
passed.

ORDER

The order dated 17.4.2014 of the Joint Commissioner, Trichy made
in O.A.14/2013 is hereby set aside and the matter is remitted back to

the Joint Commissioner for fresh enquiry. The Joint Commissioner is directed to conduct joint trial on both the O.As 6/2008 and 14/2013 and pass orders in accordance with law after affording an opportunity of hearing to both parties and persons having interest. Further while disposing the Original Applications, the Joint Commissioner should also consider whether the order passed by the then Deputy Commissioners in O.A. 108/1973 and O.A. 11/1978 would act as resjudicata and present Original Applications barred by resjudicata. With the above directions the appeal petition is disposed of.

/typed to dictation/

Sd. P. Dhanapal,
Commissioner.

/true copy/by order/

Superintendent.

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 E. Ganesh, Advocate, No.61/23, Sakthi Avenue, South Lock Street, Kottur, Chennai 600 085.
2. The 2nd Respondent through Thiru R. Vijayakrishna, Advocate, No.R1, Krtin Buildings, Subramaniam Street, Big Street Extension, Zamin Royapettai, Chrompet, Chennai 600 044.
3. The Fit Person, Arulmighu Munnodi Karuppannasamy Nayanmar Kannimarsamy Vakaiyara Temple, Poigaipatti, Manaparai Taluk, Trichy District.
4. The Joint Commissioner, HR & CE Admn.Dept., Trichy. (with a copy of annexure to order. The file in O.A. 14/2013 (pages 215+2+5) is returned herewith by Regd.Parcel.)

Copy to:

5. The Assistant Commissioner, HR&CE Admn.Department, Trichy. (with a copy of annexure to order).
6. The Inspector, HR&CE Admn.Department, Manaparai-2, Trichy District.
7. Extra.