

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

Wednesday the 4th day of March, Two thousand and Fifteen.

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

A.P.43/2014

V. Murugesan Chettiar.

.. Appellant.

**In the matter of Arulmighu Elangan Mariyamman Temple,
Crawford, Tiruchirapalli- 12.**

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 28.11.2013 of the Joint Commissioner, HR & CE Admn.Dept.,Tiruchy in dismissing the O.A. 2/2009 filed under Section 63(b) of the Act.

Annexure to Order in R.Dis. A.P. 43/2014 (D2) dated :4.3.2015.

The above appeal petition filed under Section 69(1) of the Act against the order dated 28.11.2013 of the Joint Commissioner, Trichy in dismissing the O.A. 2/2009 filed under Section 63 (b) of the Act.

2. The appellant contended that the Joint Commissioner even by taking into account the evidence of both oral and documentary, Ex.A1 to A6 and also the History of the temple, photos ought to have held that it is only the appellant who is the founder of the temple and also by taking into account of Ex.A6 ought to have held that the appellant has been and is managing the temple and also maintaining the accounts of the petition mentioned temple which has been duly audited by the H.R. & C.E. Department ought to have held that the appellant is entitled to Hereditary Trusteeship and ought to have allowed the claim of the appellant. The Appellant founded the temple by planting Soolam depicting Arulmighu Elangan Mariyamman and worshipped the same by performing Pooja and thereafter installed stone deity of Elangan

Mariyamman and thereby constructed the temple with Vimanam and Rajagopuram. At the time of performing Kumbabishegam in the year 1997, he installed Sub-Deity of Arulmighu Selva Vinayagar, Balamurugan, Ondikaruppu, Madurai Veeran, Yoga Dakshinamoorthy, Kasi Viswanathar, Durga, Navagraham, Thillai Natarajar, Astakai Mahalakshmi etc. The evidence of the Temple Inspector C.W.1 which clearly spoke about the fact that the petitioner is the Founder of the temple, constructed the temple and also maintaining the accounts for the temple which has been duly audited by the H.R. & C.E. Department and further he would depose that the management of the temple has been and is with the Founder/Appellant and ought to have passed orders in favour of the appellant who is in management of the temple.

3. The above appeal petition taken up for hearing on 25.11.2014 and 9.1.2015. Both the appellant and his counsel called absent and remained exparte. The counsel for the appellant sent written arguments on 24.11.2014 by post. I perused written arguments filed by counsel for the appellant and relevant documents. In the written arguments, the counsel for the appellant reiterated the contentions raised in the grounds of the appeal petition. The appellant mainly contended that the Joint Commissioner failed to appreciate the evidentiary value of the documents filed by the appellant. On perusal of the annexure to order containing grounds for rejection of the petitioner's claim, the Joint Commissioner analyzed the each document in detail and gave his findings how they did not support the claim of the appellant. The appellant failed to prove that the suit temple was founded by him with clinching evidence. Ex.A1, A2 and A6 will clearly proves that the said temple has been maintained from contributions/donations collected from the general public and Kumbabishegam also performed by the public. The appellant failed to prove that his claim for hereditary trustee falls under any one of the modes defined under Section 6 (11) of the H.R. & C.E. Act.

Therefore, for the foregoing reasons stated supra, I find no reason to interfere with the impugned order and it deserved to be confirmed. Accordingly, the order dated 28.11.2013 of the Joint Commissioner, Trichy is hereby confirmed and appeal petition is dismissed as devoid of any merit.

/typed to dictation/

**Sd. P. Dhanapal,
Commissioner.**

/true copy/ by order/

Superintendent.