

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

Wednesday the 16th day of September, Two Thousand and Fifteen

**Present : Dr.M.Veera Shanmugha Moni., I.A.S.,
Commissioner.**

A.P.4/2014 D2

Between.

- 1. T. Rangaraj.**
- 2. M. Sundaramurthy**
- 3. D. Subramanian.**
- 4. R. Balasubramanian.**
- 5. D. Chandrasekaran.**

.. Appellants

And

P. Sundaramurthy S/o Palaniyandi.

... Respondent.

**In the matter of Arulmighu Karpaga Vinayagar Temple,
Kidathalaivanpalayam, Thillaiyadi Post, Nagapattinam Taluk.**

**The Appeal Petition under Section 69 (1) of the Tamil Nadu H.R.&
C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) against the Order dated
25.1.2011 of Joint Commissioner, HR & CE Admn.Dept., Mayiladuthurai
in allowing the OA 5/08 filed under Section 63(b) of the Act.**

Annexure to Order in R.Dis. A.P.4/2014 D2 dated : 16.09.2015.

**The above Petition came up for final hearing before me on
25.8.2015. The appellants and their counsel remained absent. Upon
hearing Thiru.K.Raja Counsel for the respondent. Having perused the
connected records and the matter having stood over for consideration till
this day, the following order is passed.**

ORDER

**1. The above appeal petition filed against the order of the Joint
Commissioner, Mayiladuthurai dated 25.1.2011 in allowing the O.A.
5/2008 filed under Section 63 (b) of the Act and declaring the
Respondent herein as Hereditary Trustee of the Temple.**

2. The appellants contended that the Respondent herein filed O.A.5/2008 under Section 63 (b) of the Act praying to declare the office of the trusteeship of Arulmighu Karpaga Vinayagar Temple is hereditary. By order dated 25.1.2011 , the Joint Commissioner allowed the above Original Application and declared the respondent as Hereditary Trustee of the above temple. The temple was built more than 100 years ago. The said temple owned 3 acres of land. From the income derived from the property, temple administration was looked after by villagers. The Management of the temple vested with non-hereditary trustees appointed till 1966. Thereafter the temple was damaged and its several parts ruined. 40 families of Vanniyars decided to reconstruct the temple and made liberal contribution in the year 2008. The respondent herein without the villagers' knowledge filed O.A. 5/2008 before the Joint Commissioner, Mayiladuthurai and by examining witnesses outside the village, obtained order in his favour. The Joint Commissioner failed to entertain the representation made by the villagers during the pendency of the above Original Application.

3. I heard Thiru.K.Raja Counsel for the respondent. The above Appeal Petition came up for hearing on 30.6.2015, 28.7.2015, 11.8.2015 and 25.8.2015. On all the above occasions the appellants and their counsel called absent. Hence after hearing the counsel for the respondent, it is decided to pass orders on merits.

4. The impugned order has been passed by the Joint Commissioner after perusing the documents filed by the respondent herein. All the independent witnesses who had deposed before the Joint Commissioner have supported the claim of the respondent. The Inspector who caused local enquiry on the Original Application has obtained statement from the villagers and submitted report to the Joint Commissioner. He has reported that nobody raised any objection during the enquiry to declare the respondent as Hereditary Trustee of the suit temple. After examining the witnesses and the report of the Inspector the Joint Commissioner allowed the Original Application. The appellants

who have filed this appeal petition neither interested in conducting the case nor produced any document to prove that the management of the suit temple had been vested with persons other than the respondent. In the absence of any contra evidence, I find no reasons to interfere with the impugned order.

5. Therefore for the foregoing reasons stated supra, I find no infirmity in the impugned order and the appeal petition deserves no merits. Accordingly the order dated 25.1.2011 of the Joint Commissioner, Mayiladuthurai made in O.A.5/2008 is hereby confirmed and the Appeal Petition is dismissed as devoid of any merits.

/typed to dictation/

Sd./- M.Veera Shanmugha Moni
Commissioner

/t.c.f.b.o./

Superintendent