

BEFORE THE COMMISSIONER, H.R.&C.E. ADMN.DEPARTMENT, CHENNAI.34.
Monday the 29th day of June, Two thousand and Fifteen.
Present: Dr.M.Veera Shanmugha Moni, I.A.S.,
Commissioner.

A.P.4/2015

Between

1. S.O. Ramasamy (Died).
2. S.O. R. Angammal.
3. S.O.R. Thirumurugan.
4. S.O.R. Thangapandian.
5. S.O.R. Elangovan.
6. R. Pappa Selvi (Sl.No.2-6 L.Rs of
the deceased 1st Appellant).

...Appellants.

And

1. K. Jayaraman.
2. M. Vijayakumar.
3. M. Rajangam.
4. S. Palanimurugaperumal.
5. P. Hariharan.(deceased)
6. M. Karnan.
7. V. Ayyarthevar.
8. P. Pitchai.
9. N. Jayabharathi.
10. K. Lakshmanan.
11. K. Deivendran.
12. B. Sivakumar.
13. Saravana Kumar.
14. Komalavalli.
15. Shanmuga Priya.
16. Baladhandayuthapani. (Sl.No. 13 to 16
L.Rs
of the deceased 5th Respondent.)

... Respondents.

In the matter of Arulmighu Thiruvekataperumal Temple,
Usilampatti Town and Madurai District.

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.6.9.2000 of the Joint Commissioner, HR&CE Admn. Dept., Madurai in
allowing the O.A.No.32/1993 filed under Section 64(1) of the Act.

Annexure to Order in R.Dis.A.P.4/2015/D2, dated:29.06.2015

The above Appeal Petition having come on for final hearing before
me on 16.6.2015 in the presence of M/s.A.L.Gandhimathi Counsel for the
appellants and K.Jeyaraman, Counsel for the Respondent and upon their
arguments and upon perusing the connected records the following order is
made:-

ORDER

The above appeal petition filed under Section 69(1) of the Act against the order dated.6.9.2000 of the Joint Commissioner, Madurai in allowing the O.A.32/1993 filed under Section 64(1) of the Act and settled a scheme of Administration for the suit temple. The said scheme contain permanent provision to appoint 12 members as Trustee elected as follows: One member from kanakkupillai; Two members from the first pangali of Peria Thevar; One member from second pangali of Peria Thevar and Eight members each on from the community people belonging to Pillai, Thevar, Nadar, Telugu Chettiar, Thevanga Chettiar, Vanian Chattiar, Naidu and Asari.

2. The appellant contended that the Management of the Temple is by convention with a Committee consisting of 12 members in the village, each representing an important group. They are; (1) Kanakkupillai, (ii) Two Pangalis (Periya Thevar) – first Pangali having two members and second Pangali having one member as Poosaries, (iii) Eight Pattaries (8 communities for Pillai, Devar, Nadar, Telugu Chettiar, Devangu Chettiar, Vannian Chettiar, Naidu and Aasari). Thus, 12 members constitute the Committee of managing the Temple from time immemorial. This convention was in force and the first Member Kanakupillai was accepted as Head of the Committee and for the purpose of convenient arrangement, the Head of the Committee consults the Periya Thevars as and when necessary and runs the administration, but in respect of important matters like festivals and Mariyathays, the entire Committee meets and decides. While so, 7 members of the Committee filed a Petition before the Lower Court for framing of a Scheme for the Temple and the said application was pending for final orders. In the meanwhile, two of the Petitioners died and the Respondents herein had immediately approaches the Lower Court with a petition to implead themselves falsely informing that they have been elected as Trustees by the authorities without the knowledge of either the villagers or the original Trustees. The original scheme petition was filed by the Appellants father, S.O.Ramasamy with all the particulars with regard to the Committee consisting of 12 members. The Respondents herein who were not taken part in the management of the Temple and who do not come within the 12 members representing the Committee, had filed a Petition to implead themselves. Without any notice to the original Petitioners, their names were substituted and the Scheme was framed permitting them to manage the Temple. If the Petitioners herein had been issued with notice, the Petitioners would have apprised the Court that Respondents herein who have been impleaded themselves have no locus-standi and they are not Trustees in respect of the temple at any point of time. Hence, the appeal may be considered on merits and the authority below shall be permitted to re-frame the Scheme after giving notice to the Petitioners. Taking advantage of the

order, the Respondents herein are mismanaging the Temple and the properties of the Temple which were leased out to third parties without getting any substantial rents.

3. I heard M/s.A.L.Gandhimathi, Counsel for the appellants, Thiru.K.Jayaraman, Counsel for the Respondents and perused the relevant records. The appellants mainly contended that Original Application was filed by the appellants father along with 6 other persons, but without knowledge of the petitioners and villagers, respondents herein were impleaded as parties in the Original Application. It is admitted by the appellants that the suit temple has been managed by the committee 12 members elected by the villagers. Original Application was filed by the appellant's father and 6 other persons representing the said Committee. Thereafter the said Committee was modified, Counsel for the petitioners filed petition to substitute the newly elected members of the Committee. Since substitution petition was filed by the Counsel, the Joint Commissioner allowed the said petition and issued draft scheme. If the appellants have any objection, they ought to have file objection to the draft scheme before the Joint Commissioner.

4. Further, the appellants are not claiming any preferential right in the appointment of Trustees. At the same time, the scheme does not contain any provision for appointment of the respondents alone as trustees. The Joint Commissioner has settled the scheme of administration for the temple as per the convention in force for the management of the temple. Adequate provision has been made in the scheme to represent all the Community in the village. If the appellant are elected by the villagers they will also be appointed as Trustees in accordance with law. By the impugned scheme, the rights of the appellants are not infringed.

Therefore, for the foregoing reasons stated supra, the impugned order does not warrant any interference. Accordingly the order dated.6.9.2000 made in O.A.32/1993 of the Joint Commissioner, Madurai is hereby confirmed and appeal petition is dismissed as devoid of any merits.

/typed to dictation/

Sd./- M.Veera Shanmugha Moni,
Commissioner

/true copy/by order/

Superintendent