

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

**Monday the 2<sup>nd</sup> day of June, Two thousand and Fourteen.**

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

**Rc. 5258/2014 D2**

**Between**

**C. Adilakshmi, W/o Balaji.**

**.. Petitioner.**

**And**

**The Joint Commissioner,  
H.R.& C.E.Admn.Department,  
Vellore.**

**.. Respondent**

**In the matter of Arulmighu Pachaivannar and Pavalavannar  
Temple ,Calender Street, Kancheepuram.**

**Revision Petition filed under Section 21 of the Tamil Nadu H.R. &  
C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) against the notice dated  
23.1.2014 of the Joint Commissioner, H.R. & C.E. Admn.Dept., Vellore in  
Rc.No. 3657/2010 C1.**

**Order in D.Dis. 5258/2014 (D2) dated : 2.6.2014**

**The above Petition having come on for hearing before me on  
25.03.2014 in the presence of Thiru.W.C.Thiruvengadam, Counsel for  
the Petitioner and respondent/Joint Commissioner and after hearing  
their arguments and upon perusing the connected records, and the  
matter having stood over for consideration till this day, the following  
order is made:-**

**Order**

**The above Revision Petition filed under Section 21 of the Act  
against the notice dated 23.01.2014 of the Joint Commissioner, Vellore  
in Rc.3657/2010**

2) The Petitioner contended that there are temples dedicated to Arulmigu Pachaivannar and Pavalavannar temple, situated in Calender Street, Kancheepuram Town & Taluk and District. The office of the Trusteeship is hereditary in this temple. Mr.C.Balaji, the husband of the petitioner herein is holding office as Hereditary trustee and after framing charges against him, he was removed from the post of Hereditary trusteeship and as in the next line of succession, the petitioner herein, being the wife of C.Balaji, has obtained an order under Sec.54(1) of the Act and functioning as hereditary trustee in this temple. On an earlier the Joint Commissioner framed charges against the Hereditary trustee and that was set aside by the Commissioner in R.P.No.92/2010, holding that it is incumbent on the part of the Joint Commissioner, HR&CE Admn. Vellore to make preliminary enquiry, if there is any, through his subordinates and after satisfying himself, Section 53(2) of the Act can be invoked. Ignoring this Principle, the Joint Commissioner, Vellore has now issued memo Rc.No.3657/2010/E1 dated 23.01.2014, which has absolutely no jurisdiction or power. The Joint Commissioner, on the basis of the Audit report submitted by the Regional Audit office, in Na Ka No.2263/2013 dated 30.04.2013 and proceeded to treat the Audit report as the charges that could be framed under Section 53(2) of the Act against the petitioner herein and issued this Kurippanai Na Ka No.3657/2010/E1 dated 23.01.2014, which is without jurisdiction and is liable to be rejected. The defects found in the Audit report cannot be enumerated as proposed charge under Section 53(2) of the Act. It is stated Sec.53(2) and 90(1) are two different sections, contemplating two different actions. The Joint Commissioner has erred in issuing this impugned communication under Section 53 of the Act wherein, the defects of Audit report is enumerated as charges against the hereditary trustee in office, which is not valid in law.

3) I heard W.C.Thiruvengadam counsel for the petitioner and respondent/Joint Commissioner I perused the impugned notice, it is only a show cause notice, wherein the petitioner was requested to furnish explanation to irregularity, illegal and improper expenditure incurred by the petitioner in the administration of the suit temple. But the Revision Petitioner without furnishing any reply to the said notice rushed to filed Revision Petition before the Commissioner. In the impugned notice, the Joint Commissioner has provided opportunity to the petitioner to furnish her explanation without availing the opportunity, Revision Petition filed by the petitioner in premature one and not maintainable.

Therefore, for the foregoing reasons stated supra, the present Revision petition is dismissed as not maintainable. The Revision petitioner is directed to submit explanation to the impugned notice within a week from the date of receipt of this order.

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

**/ true copy/ by order/**

**Superintendent.**

**To**

**1. The Petitioner through Thiru W.C. Thiruvengadam, Advocate, No. 23, Bagavantham Street, T.Nagar, Chennai. 17.**

**Copy to:**

- 2. The Joint Commissioner, HR&CE Admn. Dept., Vellore.**
- 3. The Assistant Commissioner, HR & CE Admn.Dept., Kancheepuram.**
- 4. The Inspector, H.R. & C.E. Admn.Dept., Kancheepuram.**
- 5. Extra.**