

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

Wednesday the 17th day of June, Two thousand and Fifteen.

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

A.P.45/2014 D2

Between

B. Elango S/o K.M. Balasubramaniam.

Appellant.

And

**The Fit Person/Inspector,
Arulmighu Agastheeswarar and Kariamanicka
Perumal Temple, Kolapakkam, Sriperumbudur
Taluk, Kancheepuram District.**

.. Respondent.

**In the matter of Arulmighu Agastheeswarar and Kariamanicka
Perumal Temple, Kolapakkam, Sriperumbudur Taluk, Kanchipuram District.**

**Appeal Petition filed under Section 53(5) of the Tamil Nadu
HR&CE Act, 1959 (Tamil Nadu Act 22 of 1959) against the order dated
27.3.2014 of the Joint Commissioner, Vellore in Pro. Rc.No.340/2014 under
Section 53 (4) of the Act.**

Order in D.Dis. A.P.45/2014/D2 dated:17.06.2015.

**The above Appeal petition having come on for final hearing before
me on 02.6.2015 in the presence of Thiru S.Ramajayam Counsel for the
appellant. Upon hearing his arguments and having perused the connected
records and the matter having stood over for consideration till this day, the
following order is passed.**

ORDER

**The above appeal petition filed under section 53(5) of the Act
against the order dated.27.03.2014 of the Joint Commissioner, Vellore in
suspending the appellant from the hereditary trusteeship and appointing
fit person under section 53(4) of the Act.**

**2. The appellant contended that he was appointed as Hereditary
Trustee of the suit temple of only on 23.05.2013. After demise of his father,
the temple was managed by the Inspector. All the allegation leveled against
release to the period between 2009-2010. At that time he was not in the
management of the suit temple. He is not responsible for all the allegations.
Further, the impugned order was passed without condom any enquiry. And
no notice was given before passing the impugned order. Suspension order
was passed based on the false complaint given by one Ravi who has enmity
with appellant. There was no record to show that the appellant have grabbed
the land belonging to the temple in collusion with one Mohana sundram.
Further, the deed was signed on 09.07.2009 at that time he was not in
management. The Charges were framed based on the false documents.**

3. In the counter affidavit, the Fit person has stated that the impugned order was passed after conducting enquiry by issuing notice to all the parties concerned. The appellant in collusion with his brother enjoying the property without leasing out in public auction. The appellant may seek remedy before Joint Commissioner by filing documents available with him.

4. I heard S.Ramajayam counsel for the appellant. He reiterated contentions raised in the grounds of the appeal. The Joint Commissioner framed 4 Charges against the appellant regarding mismanagement of temple properties. Before framing charges the joint commissioner issued notice to all the parties concerned and obtained statement from the appellant and Thiru.Mohana Sundram. After considering the reply given by them, the appellant was placed under suspension pending enquiry in the charges framed against the appellant. Thiru.Mohana Sundaram who is brother of the appellant has also been placed under suspension for the similar set of charges. Further the appellant has been suspended in the interest of the temple and protect the temple properties. The appellant has been given 15 days time to furnish explanation to the charges along with documents. But the appellant without furnishing explanation approached the Hon'ble High Court and filed W.P.No.17094/2014 challenging the suspension order. The Hon'ble High Court by order dated.30.06.2014 dismissed the above writ petition with a direction to the appellant to approach the appropriate authority with his representation for lifting the suspension order. The appellant instead of approach the Joint Commissioner filed this appeal petition. The appellant was placed under suspension pending enquiry into the charges framed against him. The order impugned in this appeal petition is not a final order. The appellant have every opportunity to defend his case and prove his innocence by furnishing explanation to the charges with supporting documents. The appellant very well put forth his defense before the joint Commissioner. This appeal petition is premature one.

Therefore, for the foregoing reasons stated supra, I find no valid reasons to allow the appeal petition and it is liable to be dismissed. Accordingly the appeal petition is dismissed with a direction to appellant to furnish the explanation to the charges within 15 days from the date of receipt of this order. On receipt of explanation from the appellant, the joint commissioner should conduct enquiry by affording opportunity of being heard to appellant and other persons having interest and pass final order in accordance with law within 3 months from the date of receipt of this order.

/typed to dictation/

Sd/-M.Veera Shanmugha Moni,
Commissioner

/true copy/by order/

Superintendent

(p.t.o)

To

- 1. The Appellant through Thiru S.Ramajayam, Advocate, No. 7, 3rd Floor, Bakkers Street, Parrys, Chennai 600 001.**
- 2. The Fit Person/Inspector, Sriperumbudur Taluk, Kancheepuram District.**

Copy to

- 3. The Joint Commissioner, HR&CE Admn.Dept., Vellore. (alongwith file in Rc.No.340 of 2014) (By RPAD)**
- 4. The Assistant Commissioner, HR&CE Admn.Dept., Kanchipuram.**
- 5. Extra.**