

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

Thursday the 19th day of November, Two thousand and Fifteen.

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

A.P. 47/2014 D2

Between

R. Mani S/o Raja Gopal Gounder.

Appellant.

And

1. The Joint Commissioner,
HR & CE Admn.Dept., Vellore.
2. The Executive Officer,
Arulmighu Peranambattu Thirupathy
Gangaiamman Kovil, Peranambattu,
Gudiyatham Taluk, Vellore District.
3. K. Saravanan, S/o Kannan
No.10, Ayakkara Street, Peranambattu,
Gudiyatham Taluk,
Vellore District.

.. Respondents.

In the matter of Arulmighu Thirupathy Gangaiamman Temple,
Peranambattu, Gudiyatham Taluk, Vellore District.

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 3.4.2014 of the Joint Commissioner, Vellore in dismissing the O.A.4/2008 filed under Section 63(e) of the Act.

Annexure to order in R.Dis.A.P.47/2014 D2 dated: 19.11.2015

The above appeal petition came up for final hearing before me on 20.10.2015 in the presence of Thiru. S.Srinivasan Counsel for the Petitioner and M/s.A.S.Kailasam and Associates Counsel for the 2nd respondent. Upon hearing their 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 69(1) of the Act against the order dated 3.4.2014 of the Joint Commissioner, Vellore in dismissing the O.A.4/2008 filed under Section 63(e) of the Act.

2. The appellant contended that his father Thiru.P.Rajagopal did Sevai to the Amman during the Vaigasi festival by opening the eyes of the Amman, tying the Thali till his demise. Thereafter his 2nd son Thiru.Kannan continues the said sevai till his death in the year 1991. Thereafter the appellant did the Sevai from the year 1991 to 2002. The 3rd respondent who is son of demised Kannan, objected the appellant from doing sevai to the Amman. Hence the appellant filed the O.A.4/2008 under Section 63(e) of the Act before the Joint Commissioner, Vellore. He filed copies of the letter dated 14.6.1991 sent to the Assistant Commissioner by the then Trustees Thiru.A.V.Natarajan stating the appellant did the Sevai to the Amman, festival notice dated 25.5.1993, resolution dated 2.3.1994 stating the appellant is doing the sevai, and receipt dated 10.7.2012 issued towards renovation of temple. But the said documents have not been properly considered or appreciated by the Joint Commissioner. Further, the 3rd respondent herein had not filed his counter or let in evidence in his favour and failed to establish his right. But the Joint Commissioner decided the issue in favour of the 3rd respondent. The appellant was a former Government Servant and the complaint/departmental proceedings against him will not be a bar for doing sevai to the Amman as the same was done during the month of Vaigasi and not throughout the year. The said Sevai has been done by the appellant only as a service to the God and receiving honour from the temple is a Honorary and prestigious one.

3. I heard Thiru.S.Srinivasan Counsel for the appellant and M/s.A.S.Kailasam and Associates counsel for the 2nd respondent and perused the relevant records. The counsel for the appellant reiterated the contentions made in the grounds of the appeal petition.

4. The appellant filed the O.A.4/2008 to declare him as one of the rightful person to do sevai in the suit temple during Vaigasi festival on behalf of Rajagopal Gounder family. In support of his claim, he produced documents related to the year 1991 to 1993 and the receipts issued by the appellant in the year 2002 towards renovation of the temple. It is not disputed by the appellant that said sevai was done by his father till his death and thereafter

by his brother Thiru.Kannan till his death in the year 1991. But the appellant failed to prove with documentary evidence that he is doing the sevai continuously from the year 1991 without any interruption. The receipt issued in the year 2002 was not related to the performance of sevai and other documents related to the year 1991 to 1993. But the statements obtained from the former trustees, and local villagers prove that the 3rd respondent is doing the said sevai continuously after demise of his father. Those documents were not sufficient to prove his claim. A person who is claiming a right as per the custom should prove that such right has been enjoyed, exercised continuously by him without any interruption with cogent evidence. In this case, no documents were produced by the appellant to prove that the right was exercised uninterruptedly by him from 1991 to till date. Hence, the claim of the appellant was rejected by the Joint Commissioner.

Therefore, I find no infirmity or illegality in the impugned order and it does not warrant any interference. Accordingly the order dated 3.4.2014 of the Joint Commissioner, Vellore made in O.A.4/2008 is hereby confirmed and the appeal petition is hereby dismissed as devoid of any merits.

/typed to dictation/

Sd./- M.Veera Shanmugha Moni
Commissioner

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

Superintendent.