

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

Monday the 12th day of October, Two thousand and Fifteen.

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

A.P.44/2014

Between

A.R. Jagajeevan, S/o Late A.G. Ramaiyyar.

.. Appellant.

And

1. M.A. Ramamoorthy, Chairman Board of Trustees.
2. K.S. Amarpal, Trustee.
3. P.R. Jawaharlal, Trustee.
4. B.S. Jeevan, Trustee.
5. Tmt. T.R. Vijayakumari, Trustee.
6. The Joint Commissioner, HR & CE Admn.Dept.,
Madurai.

.. Respondents

In the matter of Arulmighu Arasamaram Pillaiyar Temple, Madurai.

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 16.7.2014 of the Joint Commissioner, HR & CE Admn.Dept.,Madurai in dismissing the O.A. 17/2011 filed under Section 64(5) of the Act.

Annexure to Order in R.Dis.A.P.44/2014 D2 dated: 12.10.2015

The above Appeal petition came up for final hearing before me on 15.9.2015 in the presence of Thiru.B.Sivakumar Counsel for the respondent. Upon hearing his arguments and having perused the written arguments filed by the appellant and 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 16.7.2014 of the Joint Commissioner, Madurai in dismissing the O.A.17/2011 filed under Section 64(5) of the Act.

2. In the appeal petition the appellant has made several allegation against the respondent on the grounds of mal administration

and prayed to modify the scheme framed in O.A.38/1985 by including the list of 60 persons furnished by the appellant in the said scheme. The appellant contended that the existing trustees collected Rs.11,43,189/- for the renovation of the temple but the same was not credited into the General account.

3. In the counter respondent contended that as per Section 64(5) (a) of the HR&CE Act any modification could be effected only after consulting the trustees and the persons having interest. But in this case no notice was issued to the 29 families included in the scheme. Maladministration or mismanagement is not a ground for modification of the scheme. The appellant intended to include 60 more persons as trustees which would only complicate the election procedure. The Joint Commissioner may take action against the erring trustees.

4. I heard Thiru.B.Sivakumar counsel for the respondent, perused the written arguments filed by the appellant and relevant records.

5. A scheme of administration was settled in O.A.38/85 with a permanent provision to appoint non-hereditary trustees chosen from the 29 families or their descendants of sourashtra community mentioned in the scheme. The appellant herein filed petition before the Joint Commissioner to include list of 60 persons furnished by him in the said scheme by modifying scheme. He also made several allegations against the existing trustees. The Joint Commissioner gone into the allegations and rejected it as false, frivolous, irrelevant and unsound. The Joint Commissioner also held that the appellant had not proved any misappropriation of funds or mismanagement or maladministration in the affairs of the temple.

6. As per Section 64(5) of the HR&CE Act, the Joint Commissioner may at any time, after consulting the trustees and the persons having interest, modify or cancel any scheme. In this case, modification of the scheme is strongly opposed by the existing trustees. Except the appellant no other persons had approached the Joint

Commissioner for the modification of the scheme. The scheme framed in the year 1986 is still in force and trustees have been appointed as per the scheme provision without any objection from sourashtra community people for several decades. Even there is mismanagement or maladministration, suitable action may be taken against the erring trustees under the provisions of the HR&CE Act. Hence the appellant is at liberty to approach the competent authority with material evidence to take action against the erring trustees.

7. As per Section 64 of the TNHR&CE Act, a scheme can be settled for the proper administration of the temple, if the Joint Commissioner is satisfied that a scheme is necessary or desirable. But in this case the appellant has failed to satisfy the Joint Commissioner how the inclusion of 60 persons recommended by him will be useful for the proper administration of the suit temple. Hence the Joint Commissioner has dropped the suo motu proceeding.

Therefore, for the foregoing reasons stated supra, I find any reasons to interfere with the impugned order. Accordingly the order dated 16.7.2014 made in O.A.17/2011 by 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

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

Superintendent