

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

Monday the 15th day of February, Two thousand and Sixteen.

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

A.P. 29/2015 D2

Between

Chandramoulesswara Gurukkal

...Appellant

And

1. Joint Commissioner, HR&CE
Admn.Department, Madurai.
Madurai

.... Respondents.

In the matter of Arulmighu Chandra Mouleswarswamy
Temple, Jeyamangalam, Periyakulam post, Theni District.

The Appeal Petition filed under Section 54(4) of the Tamil Nadu H.R.
& C.E. Act, 1959 (Tamil Nadu Act 29 of 1959) against the order dated
21.4.2015 of the Joint Commissioner Madurai in appointing fit person
under section 54(1)(2)&(3) of the Act.

Order in D.Dis.A.P.29/2015 D2 dated: 15.02.2016

The above Revision petition came up for final hearing before
me on 2.2.2016. Both the appellant and his counsel called absent. Upon
perusing the connected records and the matter having stood over for
consideration till this day, the following order is passed.

ORDER

The above Appeal Petition is filed under Section 54(4) of the
Act against the order dated 21.4.2015 of the Joint Commissioner, Madurai
in appointing fit person under Section 54(1) (2) &(3) of the Act.

2. The appellant contended that one Rajaraman filed
W.P.5102/2015 to dispose his complaint. The court had disposed of it on
7.4.2015. The Assistant commissioner, Dindigul had called upon the
appellant to respond to the complaint on 10.3.2015, the appellant had
also filed his objections. After the objection was filed the respondent did

not conduct any proceedings but had straightaway passed the impugned order. Such a procedure is unknown to law. A hereditary trustee cannot be ousted from office at the whims and fancies of the Joint Commissioner. A Hereditary Trustee cannot be suspended by the authority, unless for a proven misconduct. Mere allegation does not constitute misconduct. The observation that the idols are retained in the house of the Gurukkal and is a serious offence is strange and overlooks settled facts. In fact, even during the lifetime of the appellants father, the Assistant Commissioner of HR&CE Department had made inspection of the idols and had made the following observations “ the idols are kept in gurukal house for safety purposes. The above idols are verified and found correct” Such an endorsement was made in the book maintained by the authorities under form No.29. The particulars of the idols are indicated in the very form and the endorsement could be seen on regular basis, atleast from the year 1972. The appellant’s father died in the year 1982. For over 32 years, the appellant is in the management of the temple. The appellant’s possession of the temple and custody of the temple idols was verified by the Assistant Commissioner, Madurai on 22.12.1987. A scrupulous management is to ensure its safe custody. In the present case, the idols were safely handled and kept in safe custody. From time immemorial the idols is secured in the custody of the Gurukal by keeping it in their home. The department is also aware of it after its constitution. Therefore, to conclude contrary to the settled practice of the temple in the impugned order is erroneous and liable to be set aside.

3. The above appeal petition came up for hearing on 18.12.2015, 8.1.2016 and 12.1.2016. On all the occasions, both the appellant and his counsel were called absent. Hence it is decided to pass order on merits. The appellant claiming himself as Hereditary Trustee of the temple. There is no records to show that the office of the Trusteeship was declared as Hereditary. Even assuming that the appellant’s father was functioned as Hereditary Trustee, after his demise, the succession of the appellant was not recognized by the competent authority. The appellant was managed

the temple without getting any order from the competent authority. As complaints received against the appellant, the Assistant Commissioner, Dindigul conducted enquiry. The Joint Commissioner has also issued show cause notice to the appellant pointing out the irregularities. The appellant also submitted explanation on the irregularities. In the enquiry it was found that the lands belonging to the temple were not leased out in public auction but they are in the possession of the appellant and he failed to maintain proper accounts. Further the idols belonging to the temple are kept in the personal custody of the appellant. It was reported by the Assistant Commissioner, Dindigul that the temple is in the dilapidated condition and the appellant failed to maintain the temple. Hence fit person has been appointed for the proper maintenance of temple and its properties for the interregnum period. The Joint Commissioner has passed order in the interest of the temple.

Therefore for the foregoing reasons stated supra, I find no infirmity in the impugned order and it does not warrant any interference. Accordingly the order dated 21.4.2015 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

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

Superintendent

To

1. The Appellant through M/s.V.Ragavachari, Advocate, No.164, Linghi Chetti Street, Singapore Plaza, Chennai 1.

Copy to

2. The Joint Commissioner, H.R. & C.E. Admn.Dept., Madurai.
3. The Assistant Commissioner, HR & CE Admn.Dept., Dindugal.
4. Inspector, HR&CE Admn.Department, Madurai.
5. Fit person, Arulmigu Moongilanai Kamatchi Amman Temple, Thevathanapatti, Periyakulam Taluk, Theni District.
6. Extra.