

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

Tuesday the 3rd day of November, Two thousand and Fifteen.

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

A.P.24/2015 D2

Between

A.Govindaraju Naidu

...Petitioner.

And

1. The Joint Commissioner,
HR & CE Admn.Dept., Villupuram.

2. Sri.A.Jayaraman.

.. Respondents.

In the matter of Arulmighu Ellaiamman Temple, Pennadam Village,
Thittakudi Taluk, Cuddalore District.

The Appeal Petition filed under Section 54(4) of the Tamil Nadu H.R.
& C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) against the order dated
27.11.2014 of the Joint Commissioner, HR & CE Admn.Dept., Villupuram
in Pro.Rc.No. 7178/2014 in recording succession under Section 54(1) of
the Act.

Order in D.Dis.A.P.24/2015 D2 dated: 03.11.2015

The above Appeal petition came up for final hearing before me
on 29.9.2015 in the presence of Thiru.M.Rukmangathan and
Thiru.N.Sathiyamoorthy 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 54(4) of the Act
against the order dated 27.11.2014 of the Joint Commissioner, Villupuram
in recording the succession of the 2nd respondent as Hereditary Trustees of
the suit temple under Section 54(1) of the Act.

2. The delay of 79 days in filing the Appeal Petition is hereby
condoned.

3. The appellant contended that the office of the Trusteeship of
the suit temple was declared as Hereditary in O.A.76/1969. One Ayodhya
Naidu and Narayanasamy Naidu were declared as Hereditary Trustees.
After demise of both the trustees, the appellant has been recorded as

Hereditary Trustee as next in the line of succession. All the legal heirs of Thiru.Ayodhya Naidu relinquished their right in favour of the appellant. The 2nd respondent herein who is brother of the appellant had relinquished his right in favour of the appellant. After lapse of 35 years, the 2nd respondent was recorded as Hereditary Trustee by the Joint Commissioner. The application filed by the 2nd respondent after a period of 35 years is barred by the Limitation Act and in the impugned proceedings appellant was not impleaded as respondent. The Joint Commissioner passed the impugned order without considering the above facts.

4. I heard Thiru.M.Rukmangathan Counsel for the appellant, Thiru.N.Sathiyamoorthy Counsel for the 2nd respondent and perused the relevant records. This appeal petition has been filed against the order passed by the Joint Commissioner, Villupuram in recording the 2nd respondent as Hereditary Trustee of the suit temple. The counsel for the appellant submitted that the 2nd respondent was expired on 19.6.2015, hence the Appeal Petition has become infructuous. Recording the above submissions the Appeal Petition is hereby dismissed as infructuous. The appellant may workout his remedy before the Joint Commissioner in accordance with law.

/typed to dictation/

Sd./- M.Veera Shanmugha Moni
Commissioner

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

Superintendent.

To

1. The Petitioner through Thiru.M.Rukmangathan, Advocate, 65, Canal Bank Road, R.A.Puram, Chennai 28.
2. The 2nd respondent through Thiru.N.Sathiyamoorthy, Advocate, 62, Law chambers, High Court Buildings, Chennai 104.

Copy to

3. The Joint Commissioner, H.R. & C.E. Admn.Dept., Villupuram.
4. The Assistant Commissioner, HR & CE Admn.Dept., Cuddalore.
5. Extra.