

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

Tuesday the 29th day of September, Two thousand and Fifteen.

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

M.P.1&2/2015 in A.P. 18/2015 D2

Between

Veerappan Poojari

..Petitioner

And

1. The Executive Officer,
Arulmigu Angalamman Temple,
Melmalaiyanur, Gingee Taluk, Villupuram
2. D.Annamalai
3. P.Selvaraj
4. S.Chandran
5. S.Mannu Poojari (died)
6. S.Annamalai Poojari
7. Kanni Poojari (died)
8. M.Vadivel Poojari
9. D.Rajagopal (died)
10. D.Poongavanam
11. V.Dahtchanamoorthy (died)
12. V.K.Saravanan
13. Dhandavarayan Poojari
14. S.Subramania Poojari
15. M.Santhosam Poojari (legal heir of the 5th
respondent)
16. K.Saravanan (Legal heir of the 7th respondent)
17. R.Jothi@ Gangadaran (Legal heir of the 9th
respondent)
18. Settu@Elumalai (Legal heir of the 11th
respondent)
19. T.Raja (Legal heir of the 13th respondent)
20. Sivakumar (Legal heir of the 14th respondent) .. Respondents.

In the matter of Arulmighu Angalamman Temple, Melmalaiyanur,
Gingee Taluk, Villupuram

The 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 10.6.2015
of the Joint Commissioner, HR & CE Admn.Dept., Villupuram in dismissing
the O.A.3/2012 filed to modify the scheme.

Order in M.P.1&2/2015 in A.P.18/2015 D2 dated : 29.09.2015

The above Miscellaneous Petitions came up for hearing before me on 29.9.2015 in the presence of Thiru. R.Thiagarajan, Counsel for the appellant, Thiru.D.Kanagasundaram Counsel for the Respondents 6,15,16 and 18 to 20 and Thiru.B.Kesavan Counsel for the 1st respondent. Upon hearing their arguments and having perused the connected records the following order is passed.

Order

The above Miscellaneous Petitions filed seeking stay of the order dated 10.6.2015 passed by the Joint Commissioner Villupuram in O.A.No.3/2012 and to stay the elections scheduled to be held to elect the trustees.

2. I heard Thiru. R.Thiagarajan, Counsel for the appellant, Thiru.D.Kanagasundaram Counsel for the Respondents 6,15,16 and 18 to 20, Thiru.B.Kesavan Counsel for the 1st respondent and perused the relevant records.

3. The Board of Trustees of the suit temple have been elected as per the scheme framed in O.S.No.42/1933 by the District Court, Cuddalore and modified by the Deputy Commissioner, Chennai in O.A.144/1968 by order dated 5.3.1977. As per the said scheme Trustees have been elected so far. The Appellant herein filed Original Application before the Joint Commissioner in the year 2010 to modify the scheme by incorporating suitable provision to provide voting right to the major women belonging to the 7 Karais. The said Original Application was dismissed by the Joint Commissioner, Villupuram by order dated 10.6.2015. The appellant filed appeal petition before this forum under Section 69(1) of the HR&CE Act. The appellant seeks stay of the election pending disposal of the appeal petition but it was strongly opposed by the respondent.

4. As per the scheme provisions Trustees have been elected from the year 1933 onwards without any hindrance. Further after lapse of several decades the appellant seeks modification of scheme to provide voting rights to the women. The same was rejected by the Joint Commissioner. Further

any order to be passed in this appeal petition will be an appealable one. Hence disposal of the appeal petition will not put an end to the litigation. As contended by the respondents granting of stay will amount to allowing of the appeal petition. Further during the pendency of the modification petition the Trustees were elected as per the scheme provision. Hence there is no justification to stay the impugned order and the election of Trustees. Accordingly the miscellaneous petitions are hereby rejected.

/typed to dictation/

Sd./- M.Veera Shanmugha Moni
Commissioner

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

Superintendent

To

1. Petitioners through Thiru. R.Thiagarajan, Advocate, A-1, Aswathi Apartments, No16, Second Crescent Park Road, Gandhi Nagar, Adyar, Chennai 20.
2. The Executive Officer through Thiru.B.Kesavan, Advocate, No.6, Law Chambers, High Court Buildings, Chennai 104.
3. Respondents 6,15,16 and 18 to 20 through Thiru.D.Kanagasundaram, Advocate, 31, Law Chambers, High Court Buildings, Chennai 104.

Copy to

4. The Joint Commissioner, H.R. & C.E. Admn.Dept., Villupuram.
5. The Assistant Commissioner, HR & CE Admn.Dept., Villupuram.
6. The Inspector, HR & CE Admn.Dept., Gingee.
7. Extra.