

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

Tuesday the 21st day of August, Two thousand and Eighteen.

Present: Tmt.R.Jaya, I.A.S.,
Commissioner.

A.P.No.53/2017 D2

Between

N.Kannan

...Appellant

And

Nil

... Respondent

In the matter of Arulmigu Kunguma Valliamman temple,
Kunnam,Perambalur 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 31.10.2017 of the Joint Commissioner H.R&C.E., department in dismissing the M.P.3/2014 filed under section 54(1) of the act.

Order in D.Dis. A.P.No.53/2017 D2 dated:21.08.2018

The above appeal petition came up for hearing before me on 17.4.2018. 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 was filed u/s.54(4) of the Act against the order dated 31.10.2017 of the Joint Commissioner, Trichy in dismissing the M.P.No.3/2014 filed u/s.54(1) of the Act.

2. The appellant has stated that the no objection certificate given by his sister, Aadhar card, Ration card and voter identity card were not considered by the Joint Commissioner. In the report of the Inspector it was stated that the

trusteeship of the suit temple vested with the family of the appellant. The O.A.No.105/1977 u/s.63(b) was filed by the appellant's father Thiru. P.Natarajan and he was declared as Hereditary Trustee. He was also a poojari. Hence, the order passed by the Joint Commissioner, Trichy was erroneous in law.

3. The above appeal petition was came up for hearing on 06.02.2018, 27.02.2018, 13.3.2018 and finally on 17.4.2018. On all the occasions both the appellant and his counsel called absent and remained ex-parte. Hence, it is decided to pass orders on the basis of records.

4. The appellant has filed a petition u/s.54(1) of the Act to record his succession in the vacancy arisen due to the death of his father Thiru.Natarajan. The said petition was dismissed by the Joint Commissioner for the following reasons:-

- I. In O.A.No.246/1976, only the office of the Trusteeship was declared as Hereditary.
- II. No records produced to prove that his father Thiru.Natarajan was in management.

5. Admittedly, the office of the suit temple was declared as Hereditary in order dated 20.7.1978 made in O.A.No.246/1976. The said O.A. was filed by the Thiru.Natarajan, father of the appellant herein. In the said order it was held that "However, as there are many branches only the management of the suit temple is declared to be an Hereditary". The Joint Commissioner has rejected

the claim of the appellant based on the said declaration. But she has failed to verify the following facts:-

- I. Who was in management of the temple from the year 1978?
- II. Whether the Department has appointed non-hereditary trustee or Fit person?
- III. Whether there was rival claim to the hereditary office?

Without verifying the above facts, the Joint Commissioner has simply dismissed the petition stating that the petitioner had failed to produce documents to prove his father's management.

Therefore, the order passed by the Joint Commissioner, Trichy suffers from infirmity as stated above and liable to be set aside. Accordingly, the order dated 31.10.2017 of the Joint Commissioner, Trichy is hereby set aside and the matter is remanded to Joint Commissioner, Trichy for fresh disposal. The appeal petition is disposed of accordingly.

/typed to dictation/

Sd/-R.Jaya,
Commissioner

/t.c.f.b.o/

Superintendent

To

1.The appellant through Thiru.K.Jayaraman, Advocate, No.33, North East Extension, Thillainagar, Tiruchirapalli – 018.

Copy to

2. The Joint Commissioner, HR & CE Admn.Dept.,Tiruchirapalli.(Along with file in M.P.No.03/2017)-By **RPAD**

3. The Assistant Commissioner, HR & CE Admn.Dept., Ariyalur.

4. Inspector, HR & CE Admn.Dept., Permbalur West.

5. Extra.