

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

Thursday the 23<sup>rd</sup> day of August Two thousand and Eighteen.

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

**A.P.1/2018 D2**

**Between**

M.Nagarajan

...Appellant

**And**

1. The Joint Commissioner,  
H.R. & C.E. Admn.Department,  
Trichy.

....Respondent

In the matter of Arulmigu Angala Parameswari Temple, Perambur  
village, Kulathur Taluk, Pudukottai District.

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 25.10.2017  
of the Joint Commissioner, H.R.&C.E.,Admn. Department, Trichy in dismissing  
the O.A.No.9/2014 filed u/s.63(b) of the Act.

**Annexure to Order in R.Dis.A.P. 1/2018 (D2) dated :23.08.2018**

The above Appeal petition came up for final hearing before me on  
18.6.2018 in the presence of Thiru.A.Balaguru Counsel for the appellant.  
Counsel for the appellant called absent. Upon hearing his 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 was filed u/s.69(1) of the Act against the order  
dated 25.10.2017 of the Joint Commissioner, Trichy in dismissing the  
O.A.No.9/2014 filed u/s.63(b) of the Act.

2. The appellant has stated that the suit temple was constructed in the  
promboke land by the villagers 200 years ago. Originally the idol of Angala  
Parameswari was found and taken by the villagers from the thorny bushes and  
they installed the same under the roof. Later the temple was constructed by the

appellant's ancestors. One Angappan Pillai performed pooja and administrated the temple till he attained the age of 60. Thereafter, appellant's father in law Thiru.Ramasamy Pillai S/o Angappan Pillai had performed pooja and administrated the temple. Since, he has no male child after his demise the appellant is performing pooja and administering the temple for the past 25 years. In the year 1957, one Rathinasamy Kadavarayar has donated land measuring about 3.06 acres in favour of the temple vide Registered document No.1302 dated:27.11.1957. The petitioner has obtained EB connection in his name. He is member of the Tamil Nadu Village Temple Poojaris Board. The petitioner has renovated the temple and performed kumbhabhishekam in the year 1973 and 1987 with the help of villagers. The income derived from the land is used for daily poojas. Every Tuesday and Friday special poojas are performed with the help of the villagers. The appellant's ancestors are managing the temple and also performing pooja for more than three generations.

3. I heard Thiru.A.Balaguru, Counsel for the appellant and perused the relevant records.

4. The appellant has filed the O.A.No.9/2014 to declare him as Hereditary Trustee of the suit temple. As per Section 6(11) of the HR&CE Act, "Hereditary Trustee" means the trustee of a religious institution, the succession to whose office devolves by hereditary right or is regulated by usage or is specifically provided for by the founder, so long as such scheme of succession is in force".

5. It is admitted by the appellant that the suit temple was constructed by the villagers from the contribution made by all the villagers. The daily poojas, festivals are performed from the contribution made by the villagers. Further, it is admitted by the appellant that the lands were donated in favour of the deity for its maintenance in the year 1957 by one Rathinasamy Kadavarayar. The appellant's father in law had enjoyed the property and performed pooja in the temple. After his death, the appellant is performing pooja in the temple. So, it is an undisputed fact that the temple was not founded by the appellant's ancestor but by the villagers. When there was no founder, the question of succession provided by founder does not arise.

6. Further, the appellant fails to prove hereditary succession to the office of the Trusteeship is regulated by a usage or succession devolves by heredity right. He has not produced any documentary evidence to prove that management of the suit temple is vested with his family for more than three generations. The Kumbhabhishekam invitations were issued in the name of the villagers. The Heredity right is a valuable right which excludes the whole world from the management of the temple. The person who claims such right shall prove his claim with documentary evidence. But the appellant has failed to prove his claim falls under any one of the limb provided u/s.6(11) of the HR&CE Act.

7. The Counsel for the appellant has relied upon reported Judgments where in it was held that in case of small temples both poojariship and Trusteeship are vested with the same person and then the office of the

Trusteeship should be held as Hereditary. But, the suit temple was founded and maintained by the villagers. The appellant is only performing pooja in the temple. Hence, the said decisions did not apply to his case.

Therefore, for the foregoing reasons, stated supra, I find no infirmity in the order passed by the Joint Commissioner and it does not warrant any interference. Accordingly, the order dated 25.10.2017 passed by the Joint Commissioner, Trichy in O.A.No.9/2017 is hereby confirmed and the appeal petition is dismissed as devoid of merits.

/typed to dictation/

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

Sd./- R.Jaya  
Commissioner

Superintendent