

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

Tuesday the 10th day of April, Two thousand and Eighteen.

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

M.P.No.1/2018 D2

Between

1. ONS.Nanjappan
2. V.Kandawamy
3. R.Subash
4. PSK.Palaniswami ...Petitioners

And

- 1.R.Moulishankar
- 2.M.Amirthalingam
- 3.S.Vasudevan
- 4.V.Veerappan
- 5.K.N.VenkatesanRespondents

In the matter of Arulmighu Veereswarar Swami Temple, Amaragunthi, Omalur Taluk, Salem District.s

The Miscellaneous petition filed under Section 22 of the Tamil Nadu H.R. & C.E. Act, 1959 (Tamil Nadu Act 22 of 1959) to withdraw R.P.No.2 of 2012 pending on the file of Joint Commissioner, salem and to transfer the same to any other competent authority.

Order in D.Dis. M.P.No.1/2018 D2 dated: 10.04.2018

The above petition came up for final hearing before me on 10.04.2018 in the presence of Thiru.B.Vijayakumar, Counsel for the petitioners and Thiru.S.Suresh, counsel for the respondents. 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 petition was filed u/s 22 of the Act to transfer the R.P.No.2/2012 pending before the Joint Commissioner, Salem.

2. In the affidavit the Petitioners have stated that the in the order passed by the Assistant Commissioner, Salem in Pro.Rc.No.6355/2008/B2 dated 04.10.2010, it was held that the name of the temple is Veerabhadra swamy temple alias Veereswarar swamy temple. The said order was challenged by the Petitioners before the Joint Commissioner, Salem in R.P.No2/2012. The said order was passed by the present Joint Commissioner, Salem, while he was working as Assistant Commissioner, Salem. Hence, it was prayed to transfer the said revision petition to some other Joint Commissioner.

3. I heard Thiru.B.Vijaya Kumar, counsel for the Petitioners and Thiru. S.Suresh, counsel for the Respondents.

4. The petitioners herein have filed the Revision Petition No.2/2012 under section 21(A) of the Act, challenging the order passed by the Assistant Commissioner, Salem in Pro.Rc.No6355/2008/B2 dated 04.10.2000. The said order was passed by the present Joint Commissioner, Salem while he was working as Assistant Commissioner, Salem. Hence in the interest of natural justice and in view of legal Maxim "Nemo Judex in causa sua" the said Revision Petition No.2/2012 pending before the Joint Commissioner, Salem , is hereby ordered to transfer to the file of Joint Commissioner, Chennai by invoking the powers conferred upon the Commissioner u/s.22 of the Act.

5. The Joint Commissioner Salem is directed to send the file in R.P.No.2/2012 to the Joint Commissioner, Chennai duly informing the parties to the proceedings.

6. The Joint Commissioner, Chennai is directed to conduct the enquiry by issuing notice to all the parties and pass orders in accordance with the law as early as possible.

/typed to dictation/

Sd/-R.Jaya
Commissioner

/t.c.f.b.o/

Superintendent

To

1. The Petitioners through M/s.B.Vijayakumar, Advocate, No.214, New Additional Law Chambers, High Court Buildings, Chennai – 104.
2. The respondents through Thiru.S.Suresh, Advocate, Madras High Court Advocate Association, High Court, Chennai-104.

Copy to

3. The Joint Commissioner, HR & CE Admn.Dept., Salem.
4. The Assistant Commissioner, HR & CE Admn.Dept., Salem
5. The Inspector, H.R&C.E., Admn.Dept. Omalur.
6. Extra.