

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39449 of 2015

Date:21.12.2015

Between:

Komaragiri Ravindra Bharadwaj,
S/o Seshagiri Rao

..... Petitioner

And:

The State of A.P., repled., by its
Principal Secretary, Endowments
Department, Hyderabad
and four others.

.....Respondents

Counsel for the Petitioner: Mr. N.V.Anantha Krishna

Counsel for Respondent Nos.1 to 4: AGP for Endowments
(AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.1, in filling up the vacancies of the Chairman and the Member of the Andhra Pradesh Endowments Tribunal (for short 'the Tribunal') and thereby, preventing the petitioner from availing his legal remedies, as illegal and arbitrary.

This Court has adjourned this case on three occasions to enable the learned Advocate General

(Andhra Pradesh) to get instructions as to the time schedule within which the said vacancies will be filled up.

Mr. K.V.R.Sai Kumar, Joint Secretary to Government Revenue (Endowments) Department, Andhra Pradesh, filed a counter-affidavit on behalf of respondent No.1, wherein he has *inter alia* stated as under:

“It is submitted that the composite State of Andhra Pradesh has constituted the Andhra Pradesh Endowments Tribunal, vide G.O.Ms.No.837, Revenue (Endt.I) Department, dated 13.8.2009 and also framed Rules namely, the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2009, vide G.O.Ms.No.190, Revenue (Endt.I) Department, 28.2.2011. After coming into force of the A.P. Reorganization Act, 2014, the Government of Andhra Pradesh has issued G.O.Ms.No.418, Revenue (Endt.I) Department, dated 09.11.2015, housing the Andhra Pradesh Endowments Tribunal in temporary premises at Sri Venugopala Swamy Buildings, Pedakakani, near Amaravati till permanent campus is developed. The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2009 have also been amended, vide G.O.Ms.No.419, Revenue (Endt.I) Department, dated 09.11.2015, fixing the headquarters of the Endowments Tribunal at Amaravathi/Vijayawada. A copy of the Government Order, i.e., G.O.Ms.No.419, Revenue (Endt.I) Department, dated 09.11.2015, the same is being filed herewith.

It is further submitted that since the said Tribunal has to be manned by a learned District Judge or a retired High Court Judge, a note was prepared on 09.12.2015 and the same has been circulated to the Department

of Law on 10.12.2015 for its approval. Proof evidencing the same is filed herewith. The file has already been circulated to the Law Department and the Law Department is seeking the approval of this Hon'ble Court. Once this Hon'ble Court gives its approval, further steps would be taken immediately. I submit that there is every likelihood that the process may consume some time and the State of Andhra Pradesh is keen that the process should be completed in a span of four to six weeks and within the time stipulated, every effort would be made for making the Tribunal effective."

Learned Assistant Government Pleader for Endowments (Andhra Pradesh), representing the learned Advocate General, submitted that in the light of the reasons mentioned in the above-mentioned counter-affidavit, the Court may permit six weeks time' to respondent No.1 to reconstitute the Tribunal by appointing the Chairman and the Member.

Having regard to the above-noted averments in the counter-affidavit and the submission of the learned Assistant Government Pleader, the Writ Petition is disposed of with the direction to respondent No.1 to positively appoint the Chairman and the Member of the Tribunal within six weeks from today.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.50882 of 2015 filed by the petitioner for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*21st December, 2015
DR*