

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.12430 of 2010

ORDER:

1. This writ petition is filed seeking to declare the action of the 1st respondent in not allowing the petitioner to work as a Founder Trustee/Member of the Founder's Family/Founder, as illegal and void, and consequently, to direct the respondents to allow the petitioner to function as a Founder/Founder Trustee/Member of the Founder's Family to Sri Lakshminarasimha Swamy Temple, Nampallygutta, Nampally Village, Karimnagar District and to direct the 1st respondent to carry out and adhere the directions issued by the petitioner from time to time for better management.

2. Brief facts of the case are as follows:

The fore-fathers of the petitioner constructed Sri Lakshminarasimha Swamy Temple on the hilltop of Nampalli Village, Karimnagar District. From the last four generations, the fore-fathers of the petitioners were in the management of the temple. During the life time of the father of the petitioner, the Assistant Commissioner of Endowments, Karimnagar appointed a Non-hereditary Trust Board to the temple and he attempted to conduct elections and appoint the Chairman to the Trust Board. Then, the father of the petitioner filed a revision petition before the Regional Joint Commissioner. The Regional Joint Commissioner allowed the revision petition directing the Assistant Commissioner to permit the father of the petitioner to function as Chairman. Subsequently, when the Assistant Commissioner tried to interfere with the Management of the temple, the father of the petitioner filed O.A.No.17/1983 before the Deputy Commissioner, Endowments Department, Hyderabad to declare him as a Founder Trustee. Pendency of the above O.A., the father of the petitioner died leaving three sons including the petitioner. After

enquiry, the Deputy Commissioner of Endowments declared the petitioner and his brothers as Hereditary Trustees. As the said order was not questioned, the same has become final. While so, the 2nd respondent issued orders dated 12.4.2000 according permission to the Executive Officer of Sri Raja Rajeshwara Swamy Temple, Vemulawada to adopt the subject temple for better maintenance without obtaining any permission or approval.

3. It is brought to the notice of this Court by the learned Counsel appearing for the 1st respondent that on earlier occasion, the petitioner made an application for declaring his another son to be member of the founder family to manage the affairs of the temple and the Commissioner of Endowments issued orders dated 16.7.2005 to the extent that Sri Lakshmi Narasimha Swamy Temple was adopted by Sri Raja Rajeshwara Swamy Devasthanam, Vemulawada and after the adoption, the institution shall be deemed to comprise a single institution only for the purpose of administration as stipulated under Section 145 of the Act and so, there cannot be a founder trustee separately to Sri Lakshmi Narasimha Swamy Temple.

4. It is also brought to the notice of this Court by the learned Counsel for the 1st respondent that the person aggrieved by the order passed by the Deputy Commissioner under Section 87 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, has to prefer an appeal under Section 88 of the Act. Even though the order was passed in the year 2005, instead of filing the appeal, the petitioner filed this writ petition after a period of five years only with an intention to cover the period of delay.

5. Considering the above facts and circumstances of the case, the writ petition is disposed of directing the petitioner to file an appeal before the appropriate forum, if he so desires. No order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand

closed.

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RAJA ELANGO, J

Dated:20th February, 2015

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