

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18547 OF 2015

-

-

Date: 06.07.2015

Between :

Kothapalli Saibaba, S/o.late Kothapalli Prabhakar Goud,
Aged about 33 years, r/o. D.No.7-1-311, Renuka Nagar,
B.K.Guda, Sanjeeva Reddy Nagar, Hyderabad.

... Petitioner

and

The State of Telangana, rep.by its Principal Secretary,
Revenue (Endowments) Department, Secretariat
Buildings, Saifabad, Hyderabad and others.

... Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18547 OF 2015

ORDER:

Petitioner claims to be the member of the founder family of Yellamma and Pochamma in Balkampet Village. According to the petitioner, his great great grand father Kothapalli Lakshmaiah founded two idols of Goddess, namely, Yellamma and Pochamma in the said village and developed the temple at his own costs during the regime of Late Raja Dharm Karam. In accordance with provision contained in Section 6 (a) of Endowments Act, 1987, temple is declared as Endowment temple. According to the petitioner, several ancestors of the petitioner have been declared as members of the founder family of the subject temple. After demise of K.Babaiah, his son namely, K.Prabhakar Goud succeeded him. After the death of the person who was earlier declared as founder family and by obtaining consent from other family members, petitioner has applied for issuance of declaration that he is the member of founder family. In response to the said application filed by the petitioner, the Deputy Commissioner, Endowments Department, registered the said application as O.A.No.124 of 2009 and issued notice dated 10.12.2009 fixing the date of consideration of the matter as 20.02.2010.

2. According to learned senior counsel for the petitioner, no further steps were taken and so far no declaration is given to the petitioner as sought. Learned senior counsel submits that successively all the family members of Kothapalli Laxmaiah were declared as members of the founder family and it is a formality insofar as the petitioner is concerned. Learned senior counsel further submits that there was no objection from the family members of the petitioner to declare him as member of founder family of the subject temple. He further submits that there was inordinate delay in processing the application filed by the petitioner. The Deputy Commissioner ought to have kept in mind that, according to the senior counsel, there is a possibility of appointment of Board of Trustees and unless his application is

decided before the steps are being taken for appointment of Board Trustees, grave prejudice would be caused to petitioner.

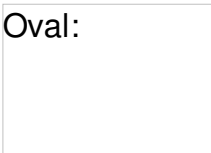
3. Having regard to the submission of learned senior counsel, since the application submitted by the petitioner for declaring him as member of founder family is pending consideration since 2009, without expressing any opinion on merits, the writ petition is disposed of directing the Deputy Commissioner, Endowments Department, Hyderabad Division, Hyderabad (3rd respondent) to pass final orders in O.A.No.124 of 2009 as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Petitioner be put on notice and be given opportunity of hearing to present his case. The Deputy Commissioner shall keep in mind that such order should be passed before the constitution of Trust Board.

Miscellaneous petitions pending, if any, in this writ petition shall stand dismissed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 06.07.2015
kkm

Oval:



HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-
-
-
-
-
-

— — — — —

Writ Petition No.18547 of 2015

Date: 06.07.2015

kkm