

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

FRIDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE S.V.BHATT

WP. NO:6584 of 2015

Between:

Suriti Krishna, S/o. Late Sri Lakshmaiah, Founder Trustee and Chairman,
Sri Ujjaini Mahakali Temple, Secunderabad, R/o. H.No.4-96/2, Dwarakamai
Nagar,
Vanasthalipuram, Hyderabad-70.

..... Petitioner

AND

- 1 The State of Telangana, rep. by its Principal Secretary, Endowments Department, Secretariat, Hyderabad.
- 2 The Commissioner of Endowments, State of Telangana, Tilak Road, Abids, Hyderabad.
- 3 The Executive Officer/Assistant Commissioner, Sri Ujjaini Mahakali Temple, Secunderabad.

.....Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ or order of direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondents 1 and 2 in initiating action against the 3rd respondent inspite of allegations of financial mismanagement and in issuance of tender notification No.R.P.No. 2/SUMD/2015, dated: 27.02.2015 for an open auction in respect of 23 items/services for the year 2015-16 will be conducted on 16.03.2015 at the premises of Sri Ujjaini Mahakali Temple, Secunderabad as illegal, arbitrary, unconstitutional, discriminatory and oppose to public policy and violative of circular No.N2/11339/2004, dated: 05.05.2004 and set aside the same and consequently direct the respondents 1 and 2 to initiate action against the 3rd respondent.

WPMP. NO. 8737 OF 2015:

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to stay the operation of the impugned tender notification dated: 27.02.2015 vide R.P.No.2/SUMD/2015 to be conducted on 16.03.2015 in respect of 23 items/services for the year 2015-2016, pending disposal of WP No. 6584 of 2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the petition

and the affidavit filed herein and upon hearing the arguments of Sri T.Natraj, Advocate for the Petitioner and of the GP for Endowments, (TG), for the Respondents No.1 & 2, and of Sri Duddugunta Sudarsan Reddy, SC for the Respondent No.23, the Court made the following.

ORDER:

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“At request of learned Government Pleader and counsel appearing for 3rd respondent, post the writ petition for admission in the motion list on 16.03.2015.

The petitioner claims to be one of the members of the founder family. The writ petition is filed complaining the procedural violations in issuing the tender-cum-open auction notice dated 27.02.2015 and a few illegalities are committed by the 3rd respondent.

Prima facie, it appears that the 3rd respondent without regard to the wishes of the founder family is administering the subject temple. If the allegation of such administration is found to be correct, then the same amounts to deprivation of right of member of founder family in running the institution. The matter requires further consideration. The respondents are given time till 16.03.2015 to file counter-affidavit.

Having regard to the issue pending for consideration in this writ petition and also the allegations against the 3rd respondent, to ensure fairness in action, this Court considers it appropriate to permit the respondents to proceed with the tender-cum-open auction scheduled on 16.03.2015. However, the said conduct of auction shall be in the presence of the petitioner, the Joint Commissioner of the region and also Sri Sudarsan Reddy Duddugunta, Advocate. The 3rd respondent is directed to issue appropriate press note informing the interested persons that the tender-cum-open auction will be conducted in the presence of the above officers/individuals. The exercise so directed to be undertaken on 16.03.2015 may go on, but till further orders are issued in this behalf, the same shall not be finalized.

Post on 16.03.2015 in the motion list.”

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ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, Endowments Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Endowments, State of Telangana, Tilak Road, Abids, Hyderabad.
3. The Executive Officer/Assistant Commissioner, Sri Ujjaini Mahakali Temple, Secunderabad. (addressees 1 to 3 BY RPAD)
4. Two CCs to GP for Endowments, (TG), High Court Buildings, Hyderabad (OUT)

5. One CC to Sri T.Natraj, Advocate (OPUC)
6. One CC to Sri D.Sudarsan Reddy, Advocate (OPUC)
7. One Spare Copy

HIGH COURT

AB
DRAFTED ON 13-3-2015`

SVBJ

DATE: 13-3-2015

ORDER

WP. NO. 6584 OF 2015

DIRECTION