

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.35825 of 2015

Dated 03.11.2015

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Between:

Sri Lakshmi Narasimha Swamy Temple

rep. by its Founder Family Member

Chodiboyina Narayana Rao

... Petitioner

and

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The State of Andhra Pradesh

rep. by its Prl.Secretary,

Hyderabad and 5 others.

...Respondents

Counsel for the petitioner: Mr.Narasimha Rao Gudiseva

Counsel for respondent Nos.1 to 5: GP for Endowments

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to set aside the proceeding in Rc.No.DP2/18617/2015-1, dated 01.09.2015, of respondent No.2, wherein he has listed the petitioner- Temple under Section 6(c)(ii) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), with a further direction to respondent No.4 to register the said Temple as required under Section 43 of the Act.

The main challenge to the impugned proceeding is mounted by the petitioner on the ground that it is purely a Private Temple and that it is not an Endowment.

As rightly pointed out by the learned Government Pleader for Endowments (AP), under Sub-Sections (a), (b), (c) and (d) of Section 87 of the Act, the Endowments Tribunal is conferred with the jurisdiction to decide the disputes as to (a) Whether an Institution or Endowment is a Charitable Institution or Endowment; (b) Whether an Institution or Endowment is a Religious Institution or Endowment; (c) Whether any property is an Endowment, if so, whether it is a Charitable Endowment or Religious Endowment; and (d) Whether any property is a specific Endowment. In the light of this provision, which provides an effective remedy for the petitioner to seek declaration that it is not a Religious or Charitable Endowment and that consequently, respondent No.4 has no jurisdiction to issue the impugned proceeding, I am not inclined to entertain this Writ Petition for adjudication on merits.

Accordingly, the Writ Petition is dismissed without expressing any opinion on the merits of the case and with liberty to the petitioner to avail the above-mentioned remedy.

As a sequel to dismissal of the Writ Petition, WPMP.No.46044 of 2015, filed by the petitioner for interim relief, is disposed of

as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd November, 2015

LUR