THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.127 of 2008

ORDER:

The writ petition is filed seeking the following relief/s:

'To issue a writ or order more particularly one in the nature of Writ of Mandamus declaring the letter No.11/SVT.CHPLY/HYD/2007 dated 27.12.2007 as arbitrary, illegal, without jurisdiction and violative of Article 14, 16, 21 of the Constitution of India and pass such other order...

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the writ petitioner. I have perused the material record.

3. The relevant facts necessary for consideration, in brief, are as follows:

The writ petitioner's paternal grand father had constructed Sri Venkateshwara Swamy Temple at Chikkadpally and, therefore, he was the founder of the said temple. The Deputy Commissioner of Endowments, by his orders dated 23.05.1987 in OA.No.1 of 1987, had declared the writ petitioner as hereditary trustee. Subsequently, the Andhra Pradesh Charitable and Religious Institution and Endowments Act, 1987 (Act 30 of 1987) was passed. When the Executive Officer of the temple had taken a policy decision in respect of the management of the temple, the writ petitioner had filed WP.No.16070 of 1996 before this Court. This Court, by orders dated 20.01.1997 passed in the said writ petition had directed the then Executive Officer to act in accordance with the directions of the writ petitioner. Thus, the Executive Officer is obliged to follow the directions of the writ petitioner/trustee that may be issued from time to time. While so, the 1st respondent by his letter dated 06.02.1999 in Rc.No.48/964/99 permitted Chairpersons of some temples to draw Rs.14,000/- per month towards car, petrol, oil and drivers batta and allowances. Therefore, the writ petitioner had sought similar benefits on 23.09.1999. When the said benefit is not extended to the writ petitioner, he had filed WP.No.9587 of 1999. This Court, by orders dated 20.08.2000 passed in WPMP.No.11829 of 1999 in the said writ petition had directed to consider the case of the writ petitioner within four weeks. The Commissioner of Endowments by orders dated 20.09.2000 had, however, expressed inability to extend similar benefit to the writ petitioner and the writ petition in WP.No.9587 of 1999 was dismissed on 18.02.2003. In some changed circumstances, the Executive Officer of the said temple had submitted proposals for payment of car allowance. Taking into consideration of the said report, the Commissioner of Endowments accorded permission for payment of Rs.9,000/- per month towards car allowance *vide* proceedings dated 29.12.2003 in D.Dis.No.H1/59840/2003. Subsequently, the Executive Officer of the said temple, who had developed an ill will towards the writ petitioner, made a representation to the Commissioner on 20.06.2005. On the basis of the said representation, the facility of car allowance was stopped *vide* proceedings dated 22.06.2005 in Rc.No.H1/26620/2005. The writ petitioner questioned the same in WP.No.17234 of 2005. This Court, by a orders dated 02.11.2005 in the said writ petition, had set aside the aforementioned proceedings observing that it will not preclude the respondent therein from passing appropriate orders afresh after affording an opportunity to the petitioner. Having kept quiet for a long time, the respondents had issued the proceedings dated 27.12.2007 directing the writ petitioner to submit his explanation within a week. The said proceedings are now impugned in this writ petition *inter alia* on the ground that the said proceedings were issued by the Assistant Commissioner and Executive Officer of the temple and not by the Commissioner of Endowments, who is the competent authority and that, therefore, the said proceedings are invalid, arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India.

4. The 2nd respondent had filed a counter and is resisting the writ petition.

5. At the time of hearing, the learned counsel for the writ petitioner, having produced a copy of memo no.46184/Endts-I/A1/2011-1 dated 21.11.2011 issued by the Principal Secretary to the Government would submit that by virtue of the said proceedings, the writ petitioner is also entitled to vehicle hire charges and conveyance allowance as the Chairman of the Trust Board of the temple, being a member of the founder family of the temple, and that in view of the said memo no further orders are necessary in the writ petition as the cause in the writ petition does not survive for adjudication. He, therefore, requests to dismiss the writ petition recording his submissions.

6. Recording the submissions of the learned counsel for the writ petitioner, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

30.11.2015

Vjl