

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15872 of 2015

Dated : 08.06.2015

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Between:

V. Prabhakar Goud S/o.Vittal Goud,
Aged about 55 yrs, Occu : Agriculture,
R/o.Zaheerabad Village and Mandal,
Medak District.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary, Endowments Department,
Secretariat, Hyderabad & 3 others

.. Respondents

This Court made the following :

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ORDER :

The petitioner claims to be the founder member of the family which established Sri Siddi Lingeshwara Swamy Temple, Zaheerabad Village and Mandal, Medak District. On his request the Assistant Commissioner, Endowments, Medak District, Office at Sanga Reddy-4th respondent vide his proceedings dated 16.04.2007 issued orders declaring the petitioner as member belonging to the family of the founder of the temple. The petitioner claims to have submitted an application considering him for appointment as trustee of the above temple. While so, the Deputy Commissioner, Endowments Department, Hyderabad-3rd respondent issued proceedings dated 20.05.2015 calling for willingness of the persons for appointment

as members of the Trust Board of the temple.

2. This Writ Petition is instituted by the petitioner contending that he being a member of family of the founder of the temple, he is entitled to be appointed as a member of the Trust Board and not considering his request is erroneous.

3. As per the notification dated 20.05.2015, an application has to be submitted in Form-II as prescribed in the Act. Whereas no such application was submitted by the petitioner. Even a member of the founder family is required to fulfill the conditions of eligibility as prescribed under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 for such consideration and it is not an automatic appointment as member of the Trust Board. The petitioner claims to have submitted representation which does not bear the acknowledgement and stated to have been made prior to 20.05.2015. Without applying as per the said notification, the petitioner cannot directly invoke the extra-ordinary jurisdiction of this Court. Petitioner can avail extra-ordinary remedy available under Article 226 of the Constitution of India only if his claim is not considered by competent authority and he has no other statutory remedy available. Hence, the writ petition is premature.

4. Having regard to the fact that notification was issued on 20.05.2015, it is open to the petitioner to submit an application in the prescribed format to consider his name for appointment as member of the Trust Board within the time prescribed and as and when such application is submitted, the competent authority shall consider the same, subject to his suitability and eligibility.

5. With the above observations, the Writ petition is disposed of at the admission stage. There shall be no order as to costs.

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

P.NAVEEN RAO,J

8th June, 2015

Note : Issue c.c. in two days

B/o.

Rds

