

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.328 of 2009

Date: 02-09-2015

Between:

L. Venkata Ramesh

.. Petitioner

AND

The Assistant Commissioner of Endowments,
Kothapeta, Guntur and two others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.328 of 2009

ORDER:

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This writ petition is filed challenging proceedings in Rc.No.A4/3223/2006-I, dated 02-01-2009 appointing the 2nd respondent as Fit person to Sri Kambala Rangaiah Choultry, Bapatla, Guntur District and for a consequential direction to the 1st respondent to appoint the petitioner as a Founder Trustee in the place of the 3rd respondent instead of 2nd respondent.

2. The case of the petitioner is that the father of the petitioner and his uncle, the 3rd respondent jointly filed O.A.No.107 of 1972 on the file of Deputy Commissioner of Endowments, Guntur to declare them as Hereditary Trustees and the same was allowed by an order dated 31-08-1972. Consequent upon abolition of Hereditary Trusteeship vide Act 30 of 1987 and after the judgment of the Supreme Court in Pollalal Pitty, his father and the 3rd respondent applied for recognition of

member of the founder's family before the 1st respondent and by the orders in Rc.No.A5/1297/2002, dated 18-04-2002, the 1st respondent declared them as members of the founders family and also fixed rotation among them vide orders in Rc.No.A4/1297/2002, dated 10-05-2002 and directed the father of the petitioner to assume charge of Founder Trustee of Sri Kambala Rangaiah Choultry, Bapatla. When the father of the petitioner was managing the said institution as a Founder Trustee, he expired on 16-01-2006 consequent upon which the petitioner made an application to declare him as a member of the founder's family and he was accordingly declared as member of the founder's family in the place of his father vide orders in Rc.No.A4/3223/2006, dated 11-04-2006 and was permitted to succeed the office of the Founder Trusteeship in the place of his father. It is further stated that after completion of two years of the term, the 1st respondent passed orders permitting the 3rd respondent to assume charge of Founder's Trustee of Sri Kambala Rangaiah Choultry, Bapatla vide orders in Rc.No.A4/3223/2006, dated 30-06-2006 and the terms of the office of the 3rd respondent is for a period of two years, which expired by 30-06-2008. The petitioner filed Revision Petition before the Regional Joint Commissioner of Endowments, Tirupathi, questioning the orders of the 1st respondent in permitting the 3rd respondent assuming the office of the Founder's Trusteeship, on the ground that the petitioner misappropriated the income of the institution and is disqualified to hold the post of Trustee and the said revision petition was disposed by the Regional Joint Commissioner, Tirupathi on 01-03-2008 directing the 1st respondent to enquire into the

allegations made against the 3rd respondent and to take action, if the allegations are found to be proved. While so, the 1st respondent passed orders in Rc.No.A4/3223/06-1, dated 02-01-2009 framing charges against the 3rd respondent for misappropriating temple funds and other lapses and appointed the 2nd respondent as a Fit Person, though the petitioner is eligible to hold the post of Founder Trustee when the term of two years of the 3rd respondent expired. Aggrieved by the same, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Endowments, who stated that the 3rd respondent died.

4. In this case, it is to be seen that as per the proceedings in Rc.No.A4/1297/2002, dated 10-05-2002, the office of the Founder Trusteeship was fixed between the father of the petitioner and the 3rd respondent on rotation basis and after the death of the father of the petitioner on 16-01-2006 and on the application of the petitioner, the petitioner was declared as member of the Founder's family in the place of his father vide proceedings in Rc.No.A4/3223/2006, dated 11-04-2006 and permitted the petitioner to succeed the office of the Founder Trusteeship in the place of his father. As per the proceedings vide Rc.No.A4/3223/2006, dated 30-06-2006, the father of the petitioner and the 3rd respondent are directed to hold the office of the founder trustee of the subject choultry for a period of two years and the said period expired. It is also to be seen that when the charges are levelled against the 3rd respondent, he was suspended pending enquiry into the charges, but the 3rd respondent did not choose to challenge the said proceedings.

The only grievance of the petitioner is that since the 3rd respondent was suspended and the term of his office expired in 2008, basing on the proceedings dated 30-06-2006 and the proceedings dated 11-04-2006, now the petitioner requested to continue him as founder trustee.

In view of above facts and circumstances, the petitioner can make an application to the 1st respondent/competent authority basing on the proceedings dated 11-04-2006 and 30-06-2006 and on making such application by the petitioner, the 1st respondent may consider the same taking into account the proceedings dated 11-04-2006 as well as the proceedings dated 30-06-2006 and pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 02-09-2015

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