

HONOURABLE SRI JUSTICE RAJA ELANGO

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WRIT PETITION NO:7632 OF 2006

ORDER:

1. This writ petition is filed seeking to declare the action of the 4th respondent in not acting as per the advice of the petitioner in terms of Section 29(5)(a) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act') as illegal and arbitrary, and consequently, to direct the 4th respondent to act in accordance with Section 29(5)(a) of the Act.

2. The Counter filed by the 4th respondent runs as follows:

"The petitioner was recognized as Founder Family Member of the subject institution by the Assistant Commissioner, Endowments Department, Vijayawada vide RC.No.A2/10564/98, dated 26.1.1999. One Mr. A. Udaya Bhaskar Rao, resident of Machilipatnam, who is the 3rd party to the proceedings, filed Revision Petition No.53/99 on the file of Regional Joint Commissioner, Endowments Department, Kakinada under Section 92 of the A.P. Act 30 of 1987 with a request to set aside the proceedings of the Assistant Commissioner passed in R.C.No.A2/10564/98, dated 26.1.1999. The Regional Joint Commissioner was pleased to allow the said revision while observing that it is not desirable to continue a person facing disciplinary proceedings as a founder of the institution as the Founder Family Member was issued a charge memo. Subsequently, basing on the enquiry report submitted by the Regional Joint Commissioner, Multi Zone-I, Kakinada, the Commissioner, Endowments Department, Hyderabad was pleased to drop the charges framed against the petitioner vide RC No.3/8250/2000, dated 15.2.2005. Having received the said proceedings, the writ petitioner has addressed a letter to the Regional Joint Commissioner, Endowments Department, Kakinada with a request to re-examine the mater in the light of the orders issued by the Commissioner, Endowments Department, Hyderabad. After receipt of the letter of the writ petitioner herein, the Regional Joint Commissioner, Endowments Department, Kakinada examined and issued proceedings and informed to the petitioner that he remains founder family member as his order was set aside basing on the pendency of the disciplinary proceedings. Since the disciplinary proceedings were concluded and the charges framed against the petitioner were dropped by the Commissioner, Endowments Department, Hyderabad vide R.C.No.C3/8250/2000, dated 15.2.2005 and as per the orders of the authorities, the writ petitioner is the Founder Family Member of the institution, the 4th respondent is administering the affairs of the institution in

consultation with the writ petitioner.”

3. The learned Counsel for the petitioner has also brought to the notice of this Court that the present Executive Officer is proceeding with the activities of the institution in consultation with the petitioner herein.

4. Considering the above submission and the averments in the counter, this Court feels that no orders need be passed in this matter.

5. Accordingly, the Writ Petition is closed. No order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated:8.4.2015

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