

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30570 of 2015

Dated : 18.09.2015

Between:

Bhogadi Visweswara Rao,
S/o.Late Bhogadi Kesava Rao,
Aged about 45 yrs, Occu : Agriculture,
R/o.Bhavadevarapalli Village,
Nagayalanka Mandal, Krishna District.

.. Petitioner

And

The State of Andhra Pradesh,
rep., by its Principal Secretary,
Endowments Department,
Secretariat Buildings, Hyderabad & others

.. Respondents

This Court made the following :

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ORDER :

The petitioner claims to be a member of founder family of Sri Bhavannarayana Swamy temple, Bhavadevarapalli Village. As no certificate is issued in his favour declaring him as a member of the founder family compelling him to institute O.A.No.289 of 2012 before the Endowments Tribunal and the same is pending consideration of the Tribunal. While so, the respondent-Temple issued notification on 06.08.2015 calling for enlistment of eligible interested persons for appointment as members of the Board of Trustees.

2. Learned counsel for the petitioner contends that his father was recognized as member of the founder family. His grand father earlier succeeded in declaring himself as member of founder family. Therefore, there is no justification for not declaring him as member of the founder family. He further submits that the said O.A., is pending since the year 2012 and no orders are passed in the said O.A. At this stage, if the Trust Board is appointed, great prejudice would be caused to the petitioner.

3. Admittedly, the petitioner is not recognized as a member of the founder family. Only when the petitioner is recognized as a member of founder family, he will have right to appoint to Board of Trustees and also to be declared as Chairman of Board of Trustees. The claim of the petitioner for such appointment would arise, only if he succeeds before the Tribunal. Since the petitioner is not yet recognized as member of founder family process initiated by respondent authorities cannot be interjected at his instance. Process initiated by the respondents to constitute Board of Trustees for the respondent-temple cannot be held as illegal. Thus, no relief as sought for by the petitioner can be granted at this stage and the writ petition is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed. It is needless to observe that if the petitioner succeeds before the Tribunal, the respondents shall consider the appointment of petitioner as Board of Trustees as belonging to the founder family and shall also review the appointments made to the Trust Board of the respondent-temple. There shall be no order as to costs.

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

P.NAVEEN RAO,J

18th September, 2015

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