

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.21594 of 2008

Date: 17-08-2015

Between:

Sri Vishna Sevashramam and Yogashramam
Pithapuram Road, Opp: Boat Club, Kakinada,
Represented by its President

.... Petitioner

AND

The Regional Joint Commissioner, Endowments,
Multi Zone-I, Kakinada, and 3 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.21594 of 2008

ORDER:

This writ petition is filed for a mandamus declaring the notice in Rc.No.A1/6636/07 Adm, dated 29-08-2008 issued by the 1st respondent calling for explanation from the President of the petitioner institution for certain irregularities mentioned therein and for canceling the exemption granted under Section 15 and 29 of the Act 30 of 1987 as illegal and arbitrary and for a consequential direction that the 1st respondent has no power to cancel the exemption.

2. The proceedings-cum-show cause notice under challenge are issued only to call for an explanation from the President of the petitioner institution as to why exemption granted under Section 15 and 29 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (Act 30 of 1987) should not

be cancelled and as to why Trust board and Executive Officer should not be appointed to the institution. Learned Assistant Government Pleader for Endowments appearing for respondents submits that as per Section 9 of the Act, any order passed or proceeding taken by a Regional Joint Commissioner in the exercise of such powers and the performance of such functions shall be deemed to be an order of the Commissioner for the purpose of this Act. He further submits that the exemption granted in favour of the petitioner institution expired long back and the cause in the writ petition no longer survives for adjudication on account of expiration of the exemption granted in favour of the petitioner institution. The 3rd respondent in his counter affidavit has categorically stated that the land Ac.14.01 cents in Survey Nos.240, 249, 249/2, 250/1. 50/2 was taken over possession on 02-02-2015 by the Assistant Commissioner, Endowments, Rajahmundry in the presence of 3rd respondent from the encroacher as per orders dated 17-03-2012 in O.A.No.2469 of 2010 and the same was handed over to the Inspector, Endowments, Kakinada who is kept in charge of the institution.

Therefore, having regard to the facts and circumstances of the case, the subject matter of the writ petition does not call for any adjudication, and accordingly, the writ petition is dismissed as infructuous. However, since it is stated by the learned counsel for the petitioner that the application of the petitioner for extension of exemption is pending with the competent authorities, the respondent authorities or the competent authorities may consider the same and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of the order. There shall be no order as to costs. As a sequel thereto, miscellaneous

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

A. RAJASHEKER REDDY, J

Date: 17-08-2015

Ksn