

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WEDNESDAY, THE THIRD DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION No.14945 of 2015

Between:

Panchamukhi Hanuman Temple,
Sajjanlal Street, Monda Market,
Secunderabad,
Rep. by its Attorney Holder,
Founder Family Member
Smt. Sheela Mahanti,
W/o. (Late) Pancha Mahanti,
Aged about 55 years, Occ: House wife,
R/o. Door No.7-2-13,
Panchamukhi Hanuman Temple,
Secunderabad.

.. Petitioner

AND

The Commissioner, Endowments Department,

Boggulakunta, Hyderabad,
Telangana State & 4 others

.. Respondents

The Court made the following:

-
-
-
-
-
-
-
-
-
-
-
-
-

HON’BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14945 of 2015

-

ORDER:

With the consent of the learned counsel for the petitioner, the learned Government Pleader for Endowments Department for Respondent Nos.1 to 3 and 5 and the learned Standing Counsel for the 4th respondent, this writ petition is disposed of at the admission stage.

2. The petitioner claims to be person appointed as Power of Attorney Holder of Sri Gulab Das Mahant and was founder trustee and Mahant of Sri Panchamukhi Hanuman Temple, Secunderabad, to look after the activities of the temple.

3. This writ petition is instituted challenging the orders of the Commissioner, Endowments Department, Boggulakunta, Hyderabad (1st respondent), dated 01.04.2015, appointing Executive Officer, Sri Grain Bazaar Dharmashala, Secunderabad, to act as Executive Officer of the subject temple and by the letter of the Executive Officer, Endowments Department, Sri Panchamukhi Hanuman Temple, Secunderabad (4th respondent), dated 16.05.2015, directed the petitioner to hand over the records and keys pertaining to the temple and Hundials.

4. Learned counsel for petitioner contends that before passing orders appointing an Executive Officer to the temple, no prior notice was issued and there was no correspondence to the petitioner and, therefore, such action of the respondent authorities is *ex facie* illegal and, thus, the petitioner do not intend to hand over the records and keys to the concerned Executive Officer so appointed, as the petitioner do not recognize the person now appointed as Executive Officer of the Temple, since there was no consultation prior to taking such decision.

5. He further contends that the petitioner made representation on 18.05.2015 to the Executive Officer, Endowments Department, Sri Panchamukhi Hanuman Temple, Secunderabad (4th respondent) requesting to furnish the copy of report of the Assistant Commissioner, Endowments Department, Secunderabad (3rd respondent), dated 26.02.2015, but the same is not supplied.

6. Section 29 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act') vests power in the Commissioner for appointment of Executive Officer to various categories of temples. The subject temple comes within Clause-c of Section 6 of the Act.

Ordinarily, there is no requirement to have an Executive Officer of the temple, but in terms of the second proviso to Section 29(1) of the Act, discretion is vested in the Commissioner to appoint an Executive Officer, even if the institution is having an income of less than Rs.2,00,000/- per annum for the reasons mentioned therein. In exercise of the said power vested in the Commissioner and based on the report submitted by the Assistant Commissioner, Endowments Department, Secunderabad (3rd respondent), the Commissioner, Endowments Department, Boggulakunta, Hyderabad (1st respondent) passed orders on 01.04.2015 appointing the present Executive Officer, Sri Grain Bazaar Dharmashala, Secunderabad, to also take hold additional charge of the subject temple.

7. Section 29 of the Act do not envisage prior consultation with trustee of the temple, as contended by the learned counsel for the petitioner before appointing an Executive Officer. The petitioner cannot complain of appointment of an Executive Officer made in valid exercise of power vested by Section 29 of the Act. Hence, I see no merit in the writ petition.

8. The Writ Petition is, accordingly, dismissed. The disposal of the writ petition does not come in the way of the petitioner pursuing the representation submitted on 18.05.2015 for obtaining necessary orders. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 3rd June, 2015

KL

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION No.14945 of 2015

-

Date: 3rd June, 2015

KL