

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.38856 of 2015

Dated 30.11.2015

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Between:

Sri Amma Lalita Lokeswari Siva Sankara Sivalayam
Keesara Trust, rep. by its Secretary P.Koteswara Rao
and another

... Petitioners

and

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The State of Andhra Pradesh
rep. by its Prl.Secretary
Revenue Endowments Dept.,
Hyderabad and 2 others.

...Respondents

Counsel for the petitioner: Mr.P.Sri Ram

Counsel for the respondents: GP for Endowments (AP)

The Court made the following:

Order:

Feeling aggrieved by the respondents' interference with the management and administration of petitioner No.1- Temple, the petitioners filed this Writ Petition.

It is the pleaded case of the petitioners that

petitioner No.1- Temple was constructed, on a land donated by the devotees belonging to Backward Caste and Scheduled Caste communities of Kanchikacherla Village and Mandal, Krishna District, and petitioner No.2 was handed over the administration of the said Temple. It is further pleaded that the Executive Officer of the neighbouring Temple viz., Sri Prasannanjaneya Swamy Temple along with the Inspector of Endowments came to petitioner No.1- Temple and sealed the hundi and that, on 14-11-2015, petitioner No.2 gave a representation to the respondents not to interfere with the administration of petitioner No.1- Temple. Alleging that inspite of the said representation, the Executive Officer of the neighbouring Temple is interfering with the administration of petitioner No.1- Temple, this Writ Petition is filed.

The learned Government Pleader for Endowments (AP), on instructions, submitted that petitioner No.1- Temple was constructed with the funds of Sri Prasannanjaneya Swamy Temple, which is a registered religious institution, and that therefore, its Executive Officer is being entrusted

with the management of petitioner No.1- Temple.

In my opinion, unless petitioner No.1, which itself is a separate Temple, is also listed under Section 6 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), the Endowment Department cannot exercise any jurisdiction or control over it. Therefore, the respondents are restrained from interfering with the management of petitioner No.1- Temple till the same is listed under Section 6 of the Act after following due procedure.

Subject to the above observations, the Writ Petition is allowed.

As a sequel, WPMP.No.50029 of 2015, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 30th November, 2015
LUR