

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.9455 of 2005

ORDER :

This writ petition is filed by the petitioner challenging the order in Memo. No.45141/Endts.II(1)/2004, dated 25-02-2005 issued by the 1st Respondent – Principal Secretary, Revenue (Endowments.II) Department, Government of Andhra Pradesh, whereby the request made by the petitioner for granting exemption from the operation of Sections 15 to 22 and 144 of the Act 30 of 1987 to the subject institution, for which the petitioner is the hereditary trustee, was rejected.

The main grievance of the petitioner herein is that he made a representation on 28-05-1987, whereas, after lapse of more than a decade, the 1st respondent, without giving any opportunity of being heard to the petitioner, passed the impugned order rejecting the request made by the petitioner herein.

The further contention of the learned counsel for the petitioner is that the said order is passed on the basis of the report submitted by the Commissioner of Endowments and the said report is also communicated to the 1st respondent - Principal Secretary without conducting any enquiry or affording an opportunity of being heard to the petitioner and further it is the case of the petitioner that till date the petitioner continued to be the hereditary trustee and the temple is under his control.

Considering the above facts and circumstances of the case, the writ petition is disposed of as follows :

The petitioner herein is directed to communicate the order of this Court along with the earlier representation dated 28-05-1987 to the

1st respondent herein and also if he intends to make any further representation that also be forwarded to the 1st respondent herein within a period of two months along with the relevant documents.

On such representation, the 1st respondent herein is directed to consider the same by giving an opportunity of being heard to the petitioner herein and pass appropriate orders.

Accordingly, the Writ Petition is allowed setting aside the order in Memo.No.45141/Endts.II(1)/2004, dated 25-02-2005 issued by the first respondent. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

31st March, 2015

skmr