

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

-
WRIT PETITION No.4913 of 2013

ORDER:

This Writ Petition is filed seeking the following relief/s:-

“...to issue a Writ, Order or direction, more particularly, a writ in the nature of Writ of Mandamus declaring the action of the 1st respondent, i.e., Sri Bhramaramba Mallikharjuna Swamy Devasthanam, Srisailam, Kurnool District, represented by its Executive Officer in issuing public auction notice in Rc.No.C2/630/2013 dated 11-02-2013 without specifying the terms and conditions of the auction aimed at depriving the non-Hindus from participating in the auction as bad, illegal, arbitrary, opposed to law, unconstitutional and also violation of the Constitutional right protecting a citizen giving equal status under the Constitution and pass such other order or orders as the Hon'ble Court may deems fit and proper.”

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the writ petitioner, the learned Government Pleader for Endowments (AP) appearing for the first respondent and the learned Standing Counsel appearing for the second respondent temple. I have perused the material record.

3. To be precise, this writ petition is filed challenging the before-mentioned auction notice, wherein it is *inter alia* stated that in the public auction to be held, Hindus alone are entitled to participate.

4. Be that as it may. At the time of hearing, the learned counsel for the writ petitioner produced a copy of the Government Order dated 09.11.2015 in G.O.Ms.No.426 Revenue (Endowments-I) Department, which was recently issued by the Government of Andhra Pradesh. The said GO was issued making certain amendments to the A.P. Charitable And Hindu Religious Institutions and Endowments Immovable Properties And Other Right (Other than Agricultural Lands) Leases and Licences Rules, 2003. By virtue of the said GO, in the existing Rule 4 of the said Rules, the entire Sub-Rule 2 was substituted. The portion of the said Sub-Rule 2 i.e., Rule 4 (2) (K), which is relevant for consideration, reads as under:-

4 (2)(K) No person professing other than Hinduism as his religion is entitled to obtain lease or license either through tender – cum – public auction or otherwise.

(Reproduced Verbatim)

Thus, as per the substituted Rule 4 Sub-Rule (2) Clause K of the said Rules, no person professing other than Hinduism as his religion is entitled to obtain lease or license either through tender–cum–public auction or otherwise of a shop or building/vacant site of a temple coming under the jurisdiction of the Endowments Department.

5. In view of the subsequent event, the learned counsel for the writ petitioner would submit that this writ petition may be closed as nothing survives for adjudication, however, giving liberty to the writ petitioner to challenge the said portion of the GO mentioned supra, if he so desires and if he is so advised by following the procedure established by law.

6. Recording the submission of the learned counsel for the writ petitioner, this Writ Petition is disposed of as no causes survives for adjudication, however, giving liberty to the writ petitioner to challenge, if he so desires and if he is so advised, the aforementioned portion of the GO in accordance with the procedure established by law. There shall be no order as to costs.

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

M.Seetharama Murti, J

27th November, 2015
Bvv