

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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WRIT PETITION No.4000 of 2012

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 – Commissioner of Endowments, Andhra Pradesh, Hyderabad in issuing the Circular No.A4/21289/2011, dt: 02.08.2011 in preventing non-Hindu persons from participating in bidding for public auctions of various shops buildings and vacant sites of any temple coming under the jurisdiction of the Department, as bad, illegal, arbitrary, opposed to law, violative of Ar.14 and 15 of the Constitution of India, and pass such other order or orders as the Hon'ble Court may deem fit and proper."

[Reproduced verbatim]

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

3. To be precise, this writ petition is filed challenging the aforesaid Circular, wherein it is *inter alia* stated as follows:

'Allotment of shops, buildings/vacant sites in and around the premises (Alaya Kshetram) of Religious Institutions and various license rights in the Temples shall be leased out to the persons who are professing Hindu Religion only and the persons not professing Hindu Religion are prohibited and not allowed to function against the forms, customs and usages of such Religious Institutions. The Executive Authorities should impose the restriction on participation of the persons not professing Hindu Religion in the auction conditions of e-tenders/Tender-cum-public auctions to be held hereafter for leasing out shops, buildings/vacant sites and license rights etc., located in and around the premises of Religious Institutions.'

[Reproduced verbatim].

The object of issuing such a circular is also stated in the impugned circular.

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 Licenses 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 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 dismissed.

M.Seetharama Murti, J

27th November, 2015
Bvv