

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V.BHATT

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W.P.Nos.6050 OF 2003, 19548 OF 2005 AND 7268 OF 2013

PC:(per Hon'ble Sri Justice S.V.Bhatt)

The parties are same in these writ petitions and the writ petitions are disposed of by this common order.

The petitioner prays for the following reliefs in these writ petitions.

W.P.No.6050 of 2003:

"....to issue an order, direction or writ more particularly one in the nature of the writ of mandamus declaring the action of respondents is illegal, arbitrary, unconstitutional and violative of principles of natural justice while setting aside order No,B/346/2003 dated 27-3-2003 issued by the 1st respondent.."

W.P.No.19548 of 2005:

"...to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents is illegal, arbitrary, unconstitutional and violative of principles of natural justice, therefore this Honourable Court may be pleased to set aside the orders passed in R.C.No.J3-6192 of 2004 dated 17-7-2004 issued by the 2nd and 3rd respondents and consequential orders passed in Notice No.12/2006 dated 12.01.2006 calling for the application for the appointment of Trustees to the petitioner temple passed by the 4th respondent, while declaring the petitioner-temple is private one.."

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W.P.No.7268 of 2013:

"... issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents is illegal, arbitrary, unconstitutional and violative of principles of natural justice, while setting-aside the orders passed in Rc.No.A1/406/2013 dated 28.2.2013.."

Sri P.Venugopal, learned Advocate General (AP) has argued writ petition No.19548 of 2005 and the outcome of this writ petition has bearing on other writ petitions. In

writ petition No.19548 of 2005, the challenge is to the registration of Sri Renuka Yellamma Devi Temple located in Survey No.131 of Anantharam Revenue Village, Bhongir Mandal, Nalgonda District under Section 6 (c) (ii) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'Act 30 of 1987'). The principal contention against the proceedings Rc.No.J3/6192 of 2004 dated 17.07.2004 of 3rd respondent is that the 3rd respondent without notice to the Managing Trustee of the Temple much less without conducting enquiry has for the first time registered the Temple under Section 6 (c) (ii) of Act 30 of 1987 and such registration is illegal and without jurisdiction.

The learned Government Pleader in reply submits that the procedure has been followed while registering the temple under Section 6 (c) (ii) of Act 30 of 1987 and no exception can be taken to the registration of Temple.

We have perused the counter affidavit filed by the 3rd respondent/Deputy Commissioner. The counter affidavit does not disclose issuance of notice or affording opportunity to the Managing Trustee of subject Temple before registering the Temple under Section 6 (c) (ii) of Act 30 of 1987. The objection of petitioner in this behalf appears to be tenable. The learned counsel appearing for the parties have consented to the following order:

The petitioner is given four weeks time from today to file representation/explanation against the proposed action of 3rd respondent to register petition temple under Section 6 of Act 30 of 1987. The third respondent is directed to consider and dispose of the representation positively within a period of three months from the date of receipt of representation. The consequential steps already taken are dependant on the outcome of consideration and decision by 3rd respondent. Admittedly, against these consequential orders, this Court has granted interim orders and they are subsisting. Therefore, the interim orders granted in W.P. Nos. 6050 of 2003 and 7268 of 2013 are directed to be continued till a decision is taken and communicated by respondent No.3 to Managing Trustee of petition Temple. The petitioner is directed to cooperate with the conduct of enquiry and petitioner shall also communicate a copy of this order to respondent No.3 within 10 days from the date of receipt of a copy of this order.

The writ petitions are disposed of. No costs.

The order of this Court shall not be understood as considering the merits of the case of either petitioner or the respondents while disposing of the representation and the matter is considered independently by respondent No.3.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B.BHOSALE, ACJ

S.V.BHATT,J

Date: 29.10.2015

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