

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT APPEAL No. 524 OF 2015

Date: 25.06.2015

Between:

Chandaluri Babu & another.

... Appellants

And

State of A.P., rep., by its

Principal Secretary to Revenue (Endowments) Dept,

Hyderabad & others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 524 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 11.06.2015 passed in W.P.M.P.No.21426 of 2015 in W.P.No.16486 of 2015, whereby appellants' interim prayer has been rejected. The impugned order reads thus:

"The petitioners challenge the order, dated 03.06.2015, by which the Executive Officer of Ravinuthala Group Temples, Prakasam District, is kept in full additional charge of the post of Executive Officer, Sri Rajarajeswara Swamy Temple, Nujellapalli Village, J. Panguluru mandal, Prakasam District. The Executive Officer was directed to take charge from the 1st petitioner, who is an Archaka. She was also entrusted with the responsibilities of managing the affairs of the temple. The reasons for taking such course of action are self-evident from the reading of the affidavit in the writ petition.

Learned counsel for the petitioners contends that the 1st petitioner was not put on notice and no opportunity was given before taking such extreme course. He further contends that the 1st petitioner was not given prior notice and opportunity for replacing him as Manager and appointing the 5th respondent as Executive Officer.

Section 29 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, do not envisage giving of prior opportunity to the incumbent before passing orders of appointing an officer as Executive Officer of the concerned temple. Moreover, the 1st petitioner's regular appointment is Archaka. He was only discharging the additional responsibilities as Manager. Having regard to the same, I am not inclined to grant the interim suspension of the proceedings impugned in the writ petition.

All other contentions urged in the writ petition shall be considered when the writ petition is taken up for final disposal.

Accordingly, the W.P.M.P.No.21426 of 2015 is dismissed. It is needless to observe that the 1st petitioner, being discharged from Manager, may not come in the way of functioning as Archaka, if he is otherwise entitled to discharge his functions.

Notice."

Sri Raja Reddy Koneti, learned counsel appearing for the appellants, at the outset, invited our attention to Section 29 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, "the Act")

and submitted that only in exceptional circumstances the concerned authority has power to remove the 1st appellant as Manager of the subject temple and therefore the order appointing respondent No.5 as Executive Officer is wrong and illegal. Admittedly, the 1st appellant was holding the post of Manager as additional charge and not full-fledged manager.

We have perused the order dated 03.06.2015, whereby the Executive Officer has been appointed. From a perusal of the order it is clear that the 1st appellant, who is Archaka of the subject temple, was not performing his duties and was not giving proper response to the former hereditary trustees and village elders and that the condition of the temple was very poor and the Dwajasthambham is in dilapidated condition. In these circumstances, the Executive Officer under the provisions of Section 29 of the Act has been appointed. Learned Judge while dismissing the application has considered the same in proper perspective and rightly rejected the petition.

Hence, the appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 25.06.2015

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