

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.26700 of 2014

and

C.C.No.1931 of 2014

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COMMON ORDER :

Heard Sri K.S. Murthy, counsel for petitioners; the learned Government Pleader for Endowments, for respondent nos.1 to 4 and 7 in the Writ Petition and Smt. K. Lalitha, counsel for respondent nos.5 and 6.

2. The parties are same in both the Writ petition and the Contempt case and with the consent of all the counsel, the Writ Petition and the Contempt case is being of by this common order.

W.P.No.26700 of 2014:

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3. The 1st petitioner herein is a Society registered under the Societies Registration Act, 1860 and was managing the affairs of the Balusulamma Thalli Temple located in Tadepallegudem. The 2nd petitioner is it's General Secretary. The said temple is considered to be sacred by *Rajaka* caste people.

4. According to the petitioners, on 26.06.2014 the 7th respondent asked the 2nd petitioner to handover the keys of the temple and the iron safe where decorative articles

of the deity were preserved and when the members of 1st petitioner refused to do so, it is alleged that he took away the keys forcibly. The members of petitioner-Committee then confronted the 7th respondent, who then was accompanied by 6th respondent, and the latter informed that he had been appointed as a single Trustee of 5th respondent. The petitioners claimed that they then obtained proceedings dt.28.06.2014 in R.C.No.A4/2917/2014-1 of the 4th respondent, addressed to the District Audit Officer, State Audit Office, Eluru, West Godavari District. In that proceeding it is stated that the 5th respondent-temple had been published under Section 6(c)(ii) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter referred to as, 'the Act') and the District Audit Officer was directed to take necessary follow-up action. To this proceeding was enclosed proceedings in R.C.No.DP2/14935/2014 dt.27.06.2014 of 2nd respondent informing the 4th respondent that 5th respondent-temple had been published under Section 6(c)(ii) of the Act and the 2nd respondent *directed him to register the 5th respondent-temple as required under Section 43 of the Act* duly following the procedure prescribed therein.

5. The petitioners also came to know that the 3rd respondent issued proceedings in R.C.No.B1/5289/2014

dt.01.07.2014 exercising powers vested in him under Section 15 of the Act (Amendment Act 33 of 2007) appointing the 6th respondent as a single Trustee to the 5th respondent-temple for a period of two years from the date of taking oath of office and secrecy as per the rules. In the said proceedings dt.01.07.2014, the 3rd respondent directed the *de facto* managing Trustee, i.e., the petitioner-Committee to handover complete charge of the accounts and records of the temple to the newly appointed single Trustee at once.

6. The petitioners contended that the proceedings dt.27.06.2014, 28.06.2014 and 01.07.2014 were issued by respondent nos.2, 4 and 3 respectively in gross violation of the provisions of the Act and the procedure laid down therein and, in fact, there was no registration of temple done under Sec.43 till date. They, therefore, contended that the proceedings dt.27.06.2014, 28.06.2014 are required to be set aside, and the appointment of 6th respondent as single Trustee vide proceedings dt.1.7.2014 should also be set aside.

7. They contended that the respondents5-7 denied them access to the deity and not allowed to take part in the activities performed in 5th respondent temple; that two priests from Brahmin community are in the temple and they are not permitting devotees to go near the goddess;

a person claiming to be employee of the respondents from a nearby temple is forcing every devotee to pay money for breaking coconuts and take darshan of the goddess; offerings of brides and bridegrooms are being prevented unless they pay money ; customary practices in the temple are being disrupted in this manner. They also alleged that the respondents are threatening to break open the Hundi meant for Annadanam; during Jatara , petitioner society and it's members were sidelined, made to wait outside the temple when the Homam yagna was done and the officials of respondents declared that the deity was converted into a Shanti Devata. They contended that that respondent nos.1 to 4 cannot take it over and introduce new systems of pooja, offerings, etc. They also pleaded that no notice under sec.43(5) was issued to petitioners and no enquiry as contemplated thereunder was done and they did not serve any prior notice and hear interested persons.

8. The petitioners, therefore, sought a *Writ of Mandamus* declaring the action of respondents in taking control over the 5th respondent-temple and appointing 6th respondent as single Trustee as illegal and unsustainable by setting aside the proceedings dt.27.06.2014 of 2nd respondent, proceedings dt.28.06.2014 of 4th respondent, and proceedings dt.01.07.2014 of 3rd respondent; and to direct the respondents to continue the traditional systems

of pooja and continuation of *Archaka Asada* for all activities in the temple.

9. Along with the Writ Petition, the petitioners filed W.P.M.P.No.33380 of 2014 to direct the respondents to restrain them from conducting affairs of 5th respondent-temple including opening of *Annadanam Hundies* by suspending the proceedings dt.27.06.2014 of 2nd respondent, proceedings dt.28.06.2014 of 4th respondent, and proceedings dt.01.07.2014 of 3rd respondent, pending disposal of Writ Petition.

10. When the Writ Petition came up for admission on 11.09.2014, after hearing the counsel for petitioners, the learned Government Pleader for Endowments, representing respondent nos.1 to 4 and 7, and Sri V.T.M. Prasad, learned Standing Counsel for respondent nos.5 and 6, this Court passed the following order :

*"Heard learned counsel for the petitioners.
Government Pleader for Endowments, for respondents 1 to 4
and 7 and Sri V.T.M. Prasad, counsel for respondents 5 and
6.*

*Grievance of the petitioners is that the 1st petitioner
society was Managing Sri Balusulamma Thalli Temple
Committee, located in Tadepalligudem, West Godavari
District by forming a society in the year 2011 and suddenly
proceedings dated 27.06.2014 were issued by 4th
respondent notifying this temple under Section 6 (c) (ii) of
the A.P. Charitable & Hindu Religious Institutions &
Endowments Act, 1987 and order dated 01.07.2014 has
been passed by the 3rd respondent appointing a single*

trustee to the temple.

Learned counsel for the petitioners contend that before taking over the management of the subject temple from the 1st petitioner society, the procedure prescribed under Section 44 of the Act has not been followed. Section 44 of the said Act states :

“Where any trustee or other person incharge of the management of a charitable or religious institution or endowment fails to apply for the registration of the institution or endowment, the Commissioner, shall give notice to the trustee or the other person aforesaid to make an application in that regard within a specified period and if he fails to make such application within the period specified, the Commissioner may have the institution or endowment registered after following the prescribed procedure and recover the cost incurred for such registration from the funds of such institution or endowment.”

A reading of the above section indicates that unless a notice is issued to the trustee or other person in charge of the Management of a charitable or religious institution or endowment to apply for registration of the institution or endowment and the latter fails to so apply it is not open to the 2nd respondent to register the institution or endowment suo motu.

Counsel for the respondents are unable to state that this procedure has been followed before issuing the proceedings dated 27.06.2014 and 01.07.2014.

In this view of the matter, there shall be an interim direction as prayed for.”

11. W.V.M.P.No.3363 of 2014 was also filed by respondent nos.5 and 6 to vacate the said interim order. W.V.M.P.No.4053 of 2014 was filed by respondent nos.1 to 4 and 7 to vacate the above interim order.

12. They alleged that 5th respondent-temple was published under Section 6 (c) (ii) of the Act by 2nd respondent by proceedings dt.27.06.2014 and contended that as per Section (1) (3) of the Act any public charitable institution and endowments, whether registered or not in accordance with the provisions of the Act, will be governed by the Act.

13. They contended that certain complaints were received against 2nd petitioner and two others that they were collecting donations in the name of the temple, printed receipt books and were collecting huge amounts as donations from general public stating that *Annadanam* would be conducted on every Friday; that they misappropriated gold and silver articles; that 7th respondent conducted an enquiry and submitted a report dt.16.06.2014 to 2nd respondent to take appropriate decision; and accordingly, the 2nd respondent issued proceedings dt.27.06.2014 notifying the temple as a public temple under Section 6 (c) (ii) of the Act allegedly to arrest misappropriation of temple money and for development of the temple. They contended that 2nd petitioner signed a list voluntarily handing over various articles belonging to temple to 6th respondent and other members of 1st petitioner-Committee also signed witnessing the handing over of the charge-list. They

disputed the contention of petitioners that they had never set up a *Hundi* to collect monies from the devotees in the temple and alleged that three individual *Hundies* were set-up in the temple. They contended that the 6th respondent had assumed charge pursuant to the proceedings dt.01.07.2014 and that the 2nd petitioner had, in fact, handed over the charge-list on 26.06.2014 itself to 7th respondent. They denied that the keys were taken forcibly by 7th respondent. They also stated that the 6th respondent noticed that the temple had got a bank account bearing No.055010100161186 in Andhra Bank, Tadepallegudem Branch and the account had an amount of Rs.19,98,000/-. It was stated that certain amounts were received subsequently in the temple premises. They contended that certain amounts were released for re-construction of the temple by 2nd respondent, that the value of re-construction was assessed at Rs.49 lakhs by 4th respondent and matching contribution of Rs.19,98,000/- was also shown collected by way of donations from the public. They also stated that the Superintending Engineer, Endowments Department, Kakinada issued technical sanction vide proceedings dt.31.07.2014. They further stated that procedure contemplated under Section 43 of the Act is not violated; that property register was not at all prepared by date of presentation of writ petition; as and when registration

u/s.43 is taken up, the 5th respondent would follow the procedure contemplated under the Act. They alleged that the temple was published under Section 6 (c) of the Act and brought under the purview of the Endowments Department to run the administration smoothly. They also contended that if the petitioners' claim is that the temple is a private one and cannot be treated as a public temple, the remedy available to petitioners is to approach the A.P. Endowments Tribunal. They further alleged that in view of the interim orders passed by this Court the day-to-day activities of the temple could not be proceeded properly as the petitioners were obstructing the authorities in the day-to-day affairs. These vacate applications were filed on 29.10.2014 and 26.12.2014 respectively.

14. But along with the vacate stay petitions the respondents did not choose to file (i) the copy of the enquiry report of the enquiry allegedly conducted by the 7th respondent or (ii) the copy of publication of the 5th respondent temple under Sec.6(c) (ii) of the Act or (iii) the copy of registration of the 5th respondent temple under Sec.43 of the Act or (iv) copy of the list of articles allegedly signed by 2nd petitioner in proof of voluntary handing over of charge to 7th respondent on 26.6.2014. No explanation is forthcoming from respondents for failing to file them.

15. Reply-affidavit was filed to the counter-affidavit/WVMP filed by respondents 1-4 and 7 pointing

out that the so-called complaint mentioned in the counter-affidavit allegedly filed against 2nd petitioner and others had not been placed before the Court and that it was a cooked up complaint created only with a view to take over the 5th respondent temple using the 1st respondent. It is also denied that any enquiry was caused through 7th respondent. It was denied that petitioners voluntarily handed over the keys and other articles in the temple. It was denied that petitioners were collecting huge donations. It was again reiterated that petitioners were not given any notice nor asked to explain anything. It is reiterated that the whole process was done without furnishing any notice and by passing orders behind the back of petitioners. It was also denied that *Hundies* were set up collecting huge amounts or that any temple money was misappropriated and it was stated that the devotees were permitted to participate in the *Annadanam* and other activities. It was further contended that nowhere in the counter-affidavit/vacate stay petition filed by respondents it is stated that the details of procedure prescribed under the Act were followed, before orders were passed by respondent nos.2, 3 and 4. The other allegations made against petitioners were also denied.

16. The counsel for petitioners reiterated the stand taken in the affidavit filed in support of the Writ Petition as well as in the reply-affidavit filed to the counter of the

respondents. He contended that the procedure prescribed under Section 43 and 44 of the Act had not been followed prior to registering the 5th respondent temple; that the said provision mandates the giving of a notice to the Trustee or other person in-charge of the management of a religious institution or endowment by the Commissioner to apply for registration; only if such notice is given and the person in-charge of the management of a religious institution fails to apply for registration within the time specified, the Commissioner can get the institution registered after following the prescribed procedure; that no notice of this nature had been issued by the Commissioner of endowments/2nd respondent to petitioners either under Sec.43(5) or Sec.44 at any point of time and in the counter-affidavit filed by respondents no averment is made to this effect; that, in fact, there is no registration of the 5th respondent-temple done pursuant to the proceedings issued by 2nd respondent on 27.06.2014 or the proceedings dt.28.06.2014 of the 4th respondent; that no publication under Sec.6 (c) (ii) appears to have been made; and therefore, the Writ Petition should be allowed.

17. The learned Government Pleader appearing for respondent nso.1 to 4 and 7 and also Smt. K. Lalitha, learned Standing Counsel for respondent nos.5 and 6, fairly stated that the procedure under Section 44 or 43 of

the Act has not been followed before the 2nd respondent issued proceedings directing the 4th respondent to register the 5th respondent temple under Sec.43 and that no prior notice had been issued as mandated by Sec.44 by 2nd respondent directing petitioners to apply for registration. This is corroborated by absence of any averment made in the counter affidavit/vacate stay petitions by the respondents and in the absence of material placed before this court by them that these provisions are complied. They admitted that in fact no registration of the 5th respondent temple has been done till date in spite of the proceedings dt.27.6.2014 of the 2nd respondent.

18. It is most unfortunate that a statutory authority like the 2nd respondent has ignored the provisions of the Act and acted in gross violation thereof and directed registration of the 5th respondent temple under Sec.43 of the Act and took over the 5th respondent-temple through the 7th respondent and even appointed the 6th respondent as a single Trustee brazenly.

19. Also the respondents have not placed before this Court any proof of publication of the 5th respondent temple under Sec.6 (c) (ii) of the Act said to have been made at the instance of 2nd respondent. Thus the whole

object of issuance of the impugned proceedings appears to be to take over management of the 5th respondent temple by giving a false impression that procedure prescribed under the Act has been followed, when in fact it was not so.

20. In this view of the matter, since the impugned proceedings dt.27.06.2014 of 2nd respondent, the proceedings dt.28.06.2014 of 4th respondent, are passed in gross violation of the provisions of the Act, they, as well as the consequential proceedings dt.01.07.2014 of 3rd respondent appointing the 6th respondent as the single Trustee of the 5th respondent-temple, are set aside and the Writ Petition is allowed with costs of Rs.5,000/- payable by 2nd respondent to petitioners.

21. Admittedly, in the counter-affidavit filed by respondents in the Writ Petition, the respondents contended that the 5th respondent-temple had a bank account in Andhra Bank, Tadepalligudem Branch in which there was an amount of Rs.19,98,000/-. However, in the additional counter-affidavit [filed in C.C.No.1931 of 2014 filed by the petitioners to punish the respondent nos.1 to 4 and 6 and 7 in the Writ Petition for willfully disobeying the interim order dt.11.09.2014 in W.P.M.P.No.33380 of 2014 in W.P.No.26700 of 2014 filed by 6th respondent in the Writ Petition, who is arrayed as 5th respondent in the

Contempt Case] it is stated that the bank account referred to above was opened by 6th respondent in the name and style of “M/s.Single Trustee, Sri Balusulamma Vari Devasthanam” on 21.07.2014. Therefore, the 6th and 7th respondent in the Writ Petition shall instruct the said bank that hereinafter the operation of the said account will be done by a person designated by the petitioners, since admittedly the amounts in the said bank account belong to 5th respondent-temple, and not to the 6th respondent in his personal capacity. They shall also hand over all assets of the temple in question to the petitioners forthwith and account to the petitioners for the amounts collected by them till date. They shall hand over the key to the Hundi in the premises to the 2nd petitioner forthwith.

C.C.No.1931 of 2014 :

22. C.C.No.1931 of 2014 is filed by petitioners to punish the respondents therein for willfully disobeying the interim order dt.11.09.2014 in W.P.M.P.No.33380 of 2014 in WP.No.26700 of 2014.

23. The petitioners contended that although the above interim orders were passed in the presence of the counsel for respondents, when the petitioners approached the respondents for implementation of the said order, they stated that only when they get certified copy of the order from the High Court they will act upon it. They alleged that the copy of the interim order was made available on 29-

09-2014 and it was sent to the respondents through a covering letter by registered post acknowledgment due. They alleged that the 6th respondent kept his office locked so that he can refuse to take the order copy. Copy of the returned postal cover sent to 6th respondent was filed by the petitioners in the material papers filed along with the Contempt Case. They alleged that on 02-10-2014, the 6th respondent took the copy of the orders from the petitioners but stated that he is awaiting instructions from higher officials. They alleged that even though the petitioners waited for 3 weeks and were requesting the respondents to implement the orders and permit the petitioners to run the temple, they openly refused to do so and therefore they should be punished for willfully disobeying the orders passed by the Court.

24. The Contempt Case was admitted on 17-04-2015 and notice in Form-I was issued to the respondents and the matter was posted to 04-06-2015.

25. The 6th respondent filed counter affidavit denying that he restrained himself from receiving the order copy by keeping his office locked and contended that he is in-charge Executive Authority of Sri Bala Venkateswara Swamy temple, Tallamudunurupadu village, Tadepalligudem Mandal, West Godavari District; that he had to attend auctions conducted in 12 Mandals and had to also regularly attend counting of hundis in the temples

situated in 12 Mandals and he was touring to attend these works. He alleged that during the period of his absence, the notice was sent to his office and so he could not receive it. He claimed that there were no Assistants or Attenders in his office. He therefore pleaded that he did not intentionally keep his office closed. He claimed that he has nothing to do with the administration of the temple and that he only administered oath of office to the 5th respondent in the Contempt Case and it was for the Deputy Commissioner of Endowments (respondent No.3) to accept the resignation of the 5th respondent as Single Trustee of the temple. He claimed that the 5th respondent resigned as Single Trustee on 26-05-2015 and it was communicated by him to 4th respondent on 26-05-2015 itself and to 3rd respondent by 4th respondent on 27-05-2015. He alleged that the 3rd respondent accepted the resignation of the 5th respondent as Single Trustee on 28-05-2015 and directed the 6th respondent to take complete charge from 5th respondent and hand it over to 2nd petitioner. He claimed that on 30-05-2015, he took over charge of the Gold and Silver article, statutory registers etc. through a panchanama. He alleged that although he asked the 2nd petitioner to take charge of the temple, he refused to do so and so a notice was affixed on the temple and on the wall

of the 2nd petitioner's house requesting him to take charge of the temple. He claimed to have sent the charge list to 2nd petitioner by R.P.A.D. on 01-06-2015. He claimed that the 2nd petitioner was actively attending the temple and attending to the poojas in the temple as usual. He alleged that the 2nd petitioner collected donations during Ugadi festival in the hundi and took them away.

26. Rejoinder affidavit was filed by 2nd petitioner to this counter affidavit stating that the postal cover filed by him along with the Contempt Case indicates that for 7 continuous days the envelop was not received and this indicates that it was a deliberate action on the part of the 6th respondent to receive the orders so that he can claim that he did not receive the orders of the Court. The 2nd petitioner denied that the 6th respondent is not connected with the administration of the temple. He also denied that he had rejected the request of the 6th respondent to take charge of the temple. He alleged that the 6th respondent was instrumental in mobilizing people from certain community to threaten the 2nd petitioner and members of the 1st petitioner Committee. He also filed press clippings and photographs to show that 6th respondent created an atmosphere of fear to prevent the 2nd petitioner from taking charge of the temple.

27. The 6th respondent filed rejoinder and denied that he arranged protests before the temple and terrorized the families of the 2nd petitioner and others. He claimed that he gave notice on 06-06-2015 to 2nd petitioner to come to the temple and take over charge of the temple and pleaded that the 2nd petitioner acknowledged it and on 07-06-2015 charge was handed over to petitioner.

28. A reply to this rejoinder was filed by 2nd petitioner reiterating his allegations and also contending that on 07-06-2015 charge was given to him half heartedly and the key to the hundi was not given. He alleged that the hundi had been put up by 5th respondent. He also contended that the bank account of the temple in Andhra Bank was not handed over. It was alleged that the petitioners were forced to sign on the charge handing over sheet by powerful people without giving an opportunity to them to verify the articles or receipt book regarding saree offerings and that the 2nd respondent was threatened that he will not be allowed to run the affairs of the temple.

29. There is no dispute that the interim order was passed by this Court on 11-08-2014 in W.P.M.P.No.33380 of 2014 in W.P.No.26700 of 2014 which is extracted above. The said order was passed in the presence of the counsel representing all respondents. Therefore the 6th respondent is presumed to have notice of the same.

Whether he was on duty at the subject temple or elsewhere is irrelevant and it was his responsibility to ensure compliance with the orders of the Court.

30. None of the respondents other than respondents 5 and 6 in the Contempt case have filed any counter affidavit.

31. The Contempt Case was admitted on 17-04-2015 and notice in Form-I was issued to the respondents and the matter was posted to 04-06-2015. It was only thereafter that the 5th respondent resigned as Single Trustee.

32. A reading of the letter dt.26-05-2015 addressed by the 5th respondent to the 6th respondent and other respondents indicates that he tendered resignation on 26-05-2015 long after the order was passed by this Court, that too because he was arrayed as respondent in the Contempt Case and when he apprehended that he might be punished in the Contempt Case. It was only then that the 6th respondent communicated this to the 5th respondent. Nothing prevented the 6th respondent from directing the 5th respondent to resign immediately after the order was passed by this Court. If really the 6th respondent had nothing to do with the administration of the temple, then he should have directed the 5th respondent to submit resignation directly to the other

respondents. The fact that the 3rd respondent had directed the 5th respondent to hand over charge of accounts and records of the temple to the 6th respondent also belies the claim of the 6th respondent that he had nothing to do with the affairs of the temple. Also it was incumbent on the part of the 6th respondent to handover charge to the 2nd petitioner after obtaining charge from the 5th respondent in a proper way and he cannot withhold the key to the hundi or retain the Andhra Bank account documents from the petitioners. This conduct and evasive pleadings (which suggest that he tried to mislead the Court by raising a plea that he was traveling and therefore did not know about the Court order), in my opinion, prove that he has willfully and deliberately violated the interim order of this Court.

33. It is also expected of respondents 1 to 4, who are deemed to be aware of the interim order passed by this Court since it was passed after hearing the learned Government Pleader representing them and 6th respondent, to take steps to implement the said order by directing respondent no.5 to resign as trustee and hand over charge to 2nd petitioner immediately. But there is no explanation for their inaction at all. Therefore they also have to be held to have willfully disobeyed the interim order passed by this Court.

34. Therefore, I am of the opinion that the respondents 1-4 and 6 have willfully violated the interim order passed by this Court and they are sentenced to pay a fine of Rs.1500/- each.

35. The 5th respondent filed a counter affidavit on the merits of the case and also contended that vacate stay petition filed by him is pending and since the same was not listed, petitioners cannot insist that he should deliver the temple to them.

36. He contended in an additional counter that there was a change of Standing Counsel and that there was a communication problem and therefore delay occurred in obtaining proper legal advice and resigning from the post of Single Trustee.

37. The 2nd petitioner filed a reply to this additional affidavit contending that both the 5th and 6th respondents mobilized their political supporters in big numbers and arranged protest on 31-05-2015 and also gave open threats to the petitioners. It is alleged that the local Inspector (6th respondent) refused to take notice sent by petitioners' counsel, appeared with the mob and instigated the mob and the local leaders against the petitioners and the Court. He denied that there was any difficulty to the respondent Nos.5 and 6 to get legal advice and pointed out that when counter affidavits were filed initially by them

they had counsel to advise them.

38. I am of the opinion that the above pleas of 5th respondent cannot be countenanced.

39. The effect of the interim order was that the proceedings dt.27.06.2014 of the 2nd respondent, the proceedings dt.28.06.2014 of the 4th respondent and the proceedings dt.01.07.2014 of the 3rd respondent stood suspended. Therefore, it was not open to 5th respondent in the Contempt Case (who is 6th respondent in the Writ Petition) to have continued to act as a single Trustee of the temple after the said order was passed, nor is it permissible for the said individual to conduct religious affairs in the temple or deal with the assets in the temple in any manner after the order was passed on 11.09.2014.

40. On the date the interim order was passed, the 5th respondent was represented by Sri VTM Prasad, Advocate and the order was passed in his presence. Therefore the 5th respondent is not entitled to plead ignorance of the interim order of the Court. He should have resigned forthwith and not wait till the Contempt case is admitted in April 2015 and then submitting his resignation in May, 2015. Thus there is no doubt that he willfully and deliberately violated the orders passed by this court.

41. Since the order dt.11.09.2014 in W.P.M.P.No.33380 of 2014 in WP.No.26700 of 2014 has not been vacated, and has in fact been confirmed in this final order disposing of the Writ Petition, the respondents in the Contempt Case cannot therefore plead that the pendency of vacate stay petitions is a justification for not complying with the above interim order. They took a chance that the interim order might be vacated but since this did not happen, they cannot claim that they were acting bonafidely.

42. Also the 5th respondent in the Contempt Case had made a false averment in W.P.M.P.No.33363 of 2014 in WP.No.26700 of 2014 that when he took charge of the affairs of the temple he noticed that the temple had a bank account bearing the number referred to above in Andhra Bank, Tadepalligudem Branch. But he gave a go-by to it in the additional counter-affidavit filed by him on 17.06.2015 in the Contempt case wherein he admitted that he was the person who opened that bank account. Thus, it is clear that he tried to mislead the Court by filing a false affidavit in the Writ petition giving an impression as if it was the 2nd petitioner who opened the above bank account. Such a conduct cannot be countenanced.

43. Coming to 5th respondent, in my considered opinion, he deserves a higher sentence because he should have immediately resigned and handed over

charge to petitioners after the order was passed. So he is sentenced to simple imprisonment for a period of three (03) months he shall also be liable to pay a fine of Rs.1,500/-.

44. The petitioners shall deposit within four (04) weeks from today subsistence allowance at the rate of Rs.200/- per day for 5th respondent under Rule 32 of the Rules framed under the Contempt of Courts Act, 1971 by this Court. The sentence of imprisonment is suspended for a period of 4 weeks from today.

45. Accordingly, the respondents 1-4 and 6 are sentenced to pay a fine of Rs.1500/- each and 5th respondent is sentenced to simple imprisonment for a period of three (03) months and he shall also be liable to pay a fine of Rs.1,500/-.

46. The Writ Petition and Contempt Case are allowed as above.

47. Miscellaneous applications, pending if any in this Writ Petition and Contempt Case, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-07-2015

Ndr/*