

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17039 OF 2012

ORDER

-

The case of the petitioner is that his great grand father late Kakunmanu Venkata Subbaiah created a satram by Kakunmanu Venkata Subbaiah Dharma Satram at Railway Station Road, Tenali and the same was under the management of petitioner's grand father who endowed two Godowns for the maintenance of choultry and subsequently after his demise, the petitioner's grand mother managed the satram. Thereafter petitioner's father late Purnachander Rao managed the affairs and after his demise, petitioner's mother is managing and looking after the trust. It is stated that the petitioner's father was recognized as a family member of the founder trustee through proceedings of the Assistant Commissioner Endowments Department vide RC.No.A2/9470/1999, dated 27.05.2000. After demise of the petitioner's father, his mother used to maintain the records. Since she has become old, the petitioner is maintaining the choultry without any disputes. While so, the 1st respondent appointed the 2nd respondent-Executive Officer, Chinna Ravuru Group Temples, as single trustee to the said satram vide impugned orders dated 02.05.2012 and directed the defacto trustee to handover complete charge of accounts and records. Challenging the same, the present writ petition is filed.

Counter affidavit is filed by the 1st respondent stating that the petitioner has no locus standi to maintain the writ petition. It is stated that Sri Kakumanu Venkata Subbaiah Choultry, Station Raod, Tenali, Guntur District was published under Section 6 of Act 80/37 and the same is under the administrative control of the Assistant Commissioner, Endowments Department. It is also stated that after the demise of Sri K.Purnachandra Rao in the year 2010 who is the founder family member, his wife acted as the self styled trustee till today. But to look after the day to day administration of the institution, Sri H.Prasad, Executive Officer, Chinnaravuru Group Temples was appointed as single trustee in the interest of public and in exercise of the powers vested under Section 15(2) of

the Endowments Act, 30/87 vide proceedings dated 02.05.2012. Accordingly, the single trustee assumed the charge of the said choultry. It is further submitted that this Court granted interim orders on 11.06.2012 giving liberty to the petitioner to submit a representation to the 1st respondent against the impugned proceedings dated 02.05.2012 along with authenticated copies of all necessary documents and directed the 1st respondent to consider the same on merits and pass appropriate orders in accordance with law. In pursuance of the said interim orders, when petitioner made a representation on 02.07.2012 to the 1st respondent for cancellation of the single trustee appointment, the same was disposed of with an observation that he is not the competent authority to cancel the single trustee appointment and directed the petitioner to approach the Regional Joint Commissioner, Endowments Department under Section 92 of the Endowments Act, 30/87 by preferring a revision. Further it is stated that if the petitioner is claiming to be a founder family member, he shall approach the A.P.Endowments Tribunal, Hyderabad by filing a petition under Section 87(1)(h) of the Endowments Act, 30/87 and finally sought for dismissal of the writ petition.

Counter is filed by the 2nd respondent reiterating the averments of the counter filed by the 1st respondent.

Learned counsel for the petitioner submits that the petitioner's father was declared as family member of the founder trustee vide proceedings dated 27.05.2000 and after the death of the petitioner's father, his mother was administering the same.

On the other hand, learned Standing counsel for the 2nd respondent submits that the petitioner instead of availing alternative remedy of filing a revision under Section 92 of the Endowments Act, 30/87 before the Regional Joint Commissioner, straight away approached this Court by way of writ petition. He further submits that the representation filed by the petitioner in pursuance of the interim orders passed by this Court was also rejected stating that Deputy Commissioner has no power to review his own orders.

In this case, admittedly the petitioner's father was declared as family member of the founder trustee vide proceedings dated 27.05.200 and after the

death of his father, his mother was managing the choultry and no body disputed the same. Even in the counters filed by the 1st and 2nd respondents, it was admitted that petitioner's father was declared as family member of the founder trustee. When once it is admitted that petitioner's father was declared as family member of the founder trustee, the question of approaching the Tribunal by the petitioner does not arise. Even otherwise, before passing of the impugned order, no notice was issued to the petitioner. Further, when the admitted facts are before this Court and when writ petition is pending from 2012, there is no reason to drive the petitioner to avail alternate remedy of revision.

In view of the above facts and circumstances, I do not see any reason for appointing the 2nd respondent as single trustee of the subject choultry without considering the case of the petitioner who is founder family member. Accordingly, the writ petition is allowed. However, it is open for the respondents to take appropriate action in case any violations are found with the administration of the choultry. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 13.10.2015

dv