

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5353 of 2016

DATED 19TH FEBRUARY, 2016

BETWEEN

M.Nagaraju and ors.

..Petitioners

And

The State of Andhra Pradesh,
Revenue (Endowments) Department
Rep. by its Principal Secretary,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5353 of 2016

ORDER:

The petitioners, who were appointed as the Members of the Trust Board of respondent No.4 and assumed charge on 23.01.2013, filed this writ petition feeling aggrieved by the action of respondent Nos.1 and 2 in not considering their representations, dated 04.02.2015 and 20.01.2016, for continuing them as the Members of the Trust Board of respondent No.4 for the period between 1.08.2014 to 30.12.2015, during which, they were discontinued as the Trust Board Members on account of the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, 2014 (Act No.8 of 2014) (for short 'the Act').

From the facts, which do not appear to be in dispute, it is evident that on account of the Act, which has terminated the tenure of all the Trust Boards of the religious institutions in the State, the petitioners ceased to be the Trust Board Members for the aforesaid period and the said Act itself was struck down by a Division Bench of this Court, by common judgment, dated 30.12.2014, in W.P.No.29189 of 2014 and batch. Therefore, this Court, *prima facie*, feels that the petitioners cannot be put to disadvantage of losing a substantial part of their tenure as the Trust Board Members on account of the action of the State, which is declared as illegal. However, I am not inclined to render a conclusive finding in this regard as the petitioners' representations, dated 04.02.2015 and 20.01.2016, filed before respondent Nos.1 and 2 are stated to be pending.

It is, therefore, appropriate that respondent Nos.1 and 2 shall consider and dispose of the aforesaid representation of the petitioners for extension of their term as a compensatory measure equal to the period for which they were not permitted to act as the Trust Board Members. Till such disposal, the petitioners shall be continued as the Members of the Trust Board of respondent No.4

Subject to the above directions, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 19TH February, 2016.

Msnr_x

