

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3969 of 2016

Date:09.02.2016

Between:

R.Latha, D/o Late T.Munaswamy
and nine others.

..... Petitioners

And:

The State of A.P., repled by its
Principal Secretary, Revenue (Endowments)
Department, Hyderabad,
and two others.

.....Respondents

Counsel for the Petitioners: Mr. P.Hemachandra

Counsel for Respondent Nos.1 & 2: AGP for Endowments
(AP)

The Court made the following:

ORDER:

The petitioners, who were appointed as the Members of the Trust Board of respondent No.3-temple and assumed charge on 17.02.2014, filed this Writ Petition feeling aggrieved by the action of respondent Nos.1 and 2 in not considering their representations, dated 28.11.2015, 31.12.2015 and 27.01.2016, for continuing them as the Members of the Trust Board of

respondent No.3 for the period between 11.08.2014 to 26.5.2015, 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 that 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 was declared as illegal. However, I am not inclined to render a conclusive finding in this regard as the petitioners' representations, dated 28.11.2015, 31.12.2015 and 27.01.2016, 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 representations 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 Members of the Trust Board. Till disposal of their representations, the petitioners shall be continued as the Members of the Trust Board of respondent No.3.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.5094 of 2016 shall stand disposed of as

infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*09th February, 2016
DR*