

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.31253 of 2016

ORDER:

In this writ petition, the petitioner is seeking a writ of mandamus declaring the proceedings/orders of 1st respondent in Memo No.4759/Endowments.II/A1/2016-2, dated 06.08.2016 permitting the 2nd respondent to issue notification and the notification in Memo in R.C.No.B2/8273/2016-1, dated 26.8.2016 issued by 2nd respondent directing the Assistant Commissioner, R.R.District for causing publication and the consequential publication notice in Lr.No.SKRSRLST/2016, dated 29.8.2016 of the Executive Officer of 5th respondent-temple, in form-I inviting the applications from interested persons in form-II, as envisaged under Rule 4 & 5 of the Appointment of Trustees Rules, 1987 for construction of the trust board for Sri Kodanda Rama, Sri Ramalingeswara Swamy temple, Ramanthapur Village, Uppal Mandal, R.R.District as illegal and arbitrary and consequently, to set aside the same.

The short point for consideration in this writ petition is whether for appointment of trustees, notification should be published as per Rule 4(1) of the Appointment of Trustees Rules by the competent authority i.e. the Commissioner, Endowments Department?

By the impugned notification, even though the Commissioner, Endowments Department-2nd respondent herein has directed for publication of Form-I, notification under challenge is published by the 5th respondent herein. As rightly contended by the learned counsel for the petitioner, the power to publish the notification calling for applications for appointment of trustees of board cannot be delegated to any other

officer in view of the decision rendered by a Division Bench of this Court in **S.V.Sudhakar Rao vs. Govt. of A.P.** (2008 (3) ALT 754).

Under the above circumstances, the impugned notification is set aside and the 2nd respondent is directed to issue notification afresh strictly in accordance with Rule 4(1) of the Appointment of Trustees Rules.

Accordingly, the Writ Petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

07.12.2016.
Tsr



RAJA ELANGO,J

