

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36425 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.1 i.e., the Deputy Commissioner of Endowments, Kurnool in issuing the proceedings in Memo No.B1/5506/2014/Adm., dated 6.9.2016, in pursuance of the proceedings of the Commissioner of Endowments passed in Rc.No.D1/17228/2014, dated 1.11.2014, directing the Executive Officer of respondent No.3 temple to take possession of the Kalyana Mandapam in Sri Bheemeswara Swamy Temple, Moolamatam, Nandyala from the petitioner Committee as illegal and arbitrary.

2. Heard and perused the material available on record.
3. The petitioner Committee by name Sri Bheemeswara Swamy Temple Development Committee was established for undertaking various development works in Sri Bheemeswara Swamy Temple at Moolamatam, Nandyala Town and Mandal, Kurnool District. The petitioner made an application to respondent No.2 through proper channel on 1.10.2010 and the Commissioner of Endowments granted permission by her proceedings, dated 5.2.2011, wherein permission was granted initially for construction of a Kalyana Mandapam. The proceedings of the Commissioner of Endowments, dated 5.2.2011, also had granted permission to the Executive Officer for construction of a shopping complex or rooms for pilgrims' accommodation. It is not in dispute that consequent to the completion of the Kalyana Mandapam within the stipulated

period, the same shall be handed over. In pursuance of the same, a Kalyana Mandapam was constructed with some A.C. rooms and the same was not completed within the stipulated time and on further extension, the Kalyana Mandapam was completed. The total estimation for construction of the said Kalyana Mandapam was Rs.1,59,48,535/-. There was a custodian in the cadre of Executive Officer, who was in total control of the accounts and management of the financial aspects in the said temple. However, the management was in the hands of the Development Committee. On 1.11.2014, respondent No.2 directed respondent No.1 to take over the Kalyana Mandapam immediately whether completed or not and the same shall be in the custody of the Executive Officer. On 6.9.2016, respondent No.1 issued memo directing the Executive Officer to take over the possession of the Kalyana Mandapam on 14.9.2016. The Committee had given a list of the other works to be undertaken which included the construction of compound wall, construction of dias and additional rooms for the benefit of the persons who performed marriage in the Kalyana Mandapam. In pursuance of the same, the petitioner committee made a representation to the Trust Board and the Trust Board, by its resolution, had recommended on 6.10.2016 for considering the request of the petitioner Committee for further development and the same has been sent to the Commissioner of Endowments for considering the request of the petitioner for undertaking these works. The said resolution was forwarded to the Executive Officer i.e., respondent No.3. With the resolution recommended by the Board of Trustees accepting the request of the petitioner Committee, respondent No.3 is pressing for handing over the

management of the Kalyana Mandapam to the Executive Officer and directing the petitioner to leave the Kalyana Mandapam and also threatening to use force for taking possession of the Kalyana Mandapam.

4. Considering all the facts and circumstances of the case, this Court is of the view that the Writ Petition can be disposed of with the following direction:

The petitioner is directed to hand over the constructed Kalyana Mandapam to respondent No.3 on or before 20.2.2017. If the petitioner fails to hand over the constructed Kalyana Mandapam to respondent No.3 within the stipulated period, respondent No.3 is at liberty to take possession of the said Kalyana Mandapam.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

15.11.2016
AMD

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Date: 15.11.2016

AMD