

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37292 of 2016

ORDER:

1. Aggrieved over the rejection of the representation made by the petitioner to respondents Nos.3 and 4 requesting to recognize him as a Founder Family Member of Sri Veerabhadra Swamy Temple, Sri Narendra Swamy Temple and Sri Anjaneya Swamy Temple, Nangegadda village, Nagayalanka Mandal, Krishna District.

2. Brief facts of the case are as follows:

The petitioner's father-M. Parameswara Rao was declared as Founder Family Member of the said temples by the Assistant Commissioner by order dated 30.3.1997 and he continued as such till his death on 25.7.2014. The petitioner being legal heir of the said person filed an application dated 6.8.2014 before respondents Nos.3 and 4 seeking to recognize him as a Founder Family Member. The said representation was rejected by the 3rd respondent on the ground that their office is not competent to declare the petitioner as Founder Family Member and the petitioner can file his claim before the Endowments Tribunal. Hence, the petitioner filed this writ petition.

3. Learned Counsel for the petitioner submitted that when there is a dispute regarding recognition of a person as Founder Family Member of the temple, necessarily, the said issue shall be adjudicated before the Tribunal. But it is not the case of respondents Nos.3 and 4 that there is a dispute regarding the claim of the petitioner herein and therefore, the Assistant Commissioner is the competent authority to declare the petitioner as Founder Family Member.

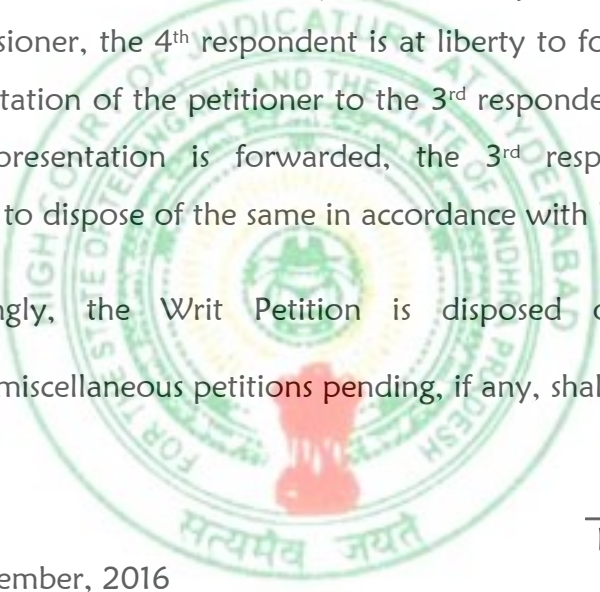
4. The learned Assistant Government Pleader submitted that the Deputy Commissioner is the competent authority to decide the issue and even then, the petitioner can approach the Tribunal.

5. Considering the rival submissions, this Court is inclined to pass the following order:

“The endorsement dated 13.10.2014 issued by the 3rd respondent is set aside. The 4th respondent-Assistant Commissioner is directed to dispose of the representation of the petitioner dated 6.8.2014 in accordance with law. If the 4th respondent-Assistant Commissioner is of the view that the matter has to be decided by the 3rd respondent-Deputy Commissioner, the 4th respondent is at liberty to forward the representation of the petitioner to the 3rd respondent. If any such representation is forwarded, the 3rd respondent is directed to dispose of the same in accordance with law.”

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 30th November, 2016
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A large, faint, circular watermark seal of the Tamil Nadu Legislative Assembly is centered on the page. It features a green border with the text 'TAMIL NADU LEGISLATIVE ASSEMBLY' and 'FOR THE PEOPLE AND BY THE PEOPLE'. In the center is a red emblem of a temple gopuram. Below the emblem is the motto 'सत्यमेव जयते' in Devanagari script.
RAJA ELANGO, J

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Date: 30th November, 2016

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