

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.575 of 2009

ORDER :

Heard Sri M. Dorai Raj, counsel for petitioners, and
Sri A. Srikanth Reddy, counsel for 2nd
respondent.

2. The petitioners in this Writ Petition question notice dt.23.12.2008 (for short, 'the impugned notice') issued by 2nd respondent asking petitioners to hand-over the 1st petitioner's temple and also its management to 2nd respondent.

3. It is not in dispute that a similar notice had been issued to petitioner on 14.10.1994 by the then Assistant Commissioner of Endowments, Chittoor, and a W.P.No.21110 of 1994 was allowed on 12.12.2001 quashing the same on the ground that no show-cause notice has been issued to petitioners before passing the said order. However, it was left open to respondent therein to issue show-cause notice to all affected parties, call for their explanation and after hearing them, pass appropriate orders.

4. After the above order was passed by this Court, the respondents kept quiet for about five years and then issued the impugned notice referring to dt.14.10.1994

proceeding which was quashed by this Court in the above Writ Petition.

5. The learned Standing Counsel for 2nd respondent now states that the subject temple does not come within the jurisdiction of 2nd respondent, and that no action has been taken pursuant to the said impugned notice. He also does not dispute the fact that the impugned notice herein was passed basing on the 14.10.1994 notice which has been quashed by this Court in the above Writ Petition. Therefore, the impugned notice dt.23.12.2008 is quashed also on the ground that it is not preceded by any show-cause notice to petitioners, and giving reasons why the 2nd respondent wants to take over the 1st petitioner-Temple.

6. Accordingly, the Writ Petition is allowed with costs of Rs.1000/- to be paid by 2nd respondent to petitioners within a period of four (04) weeks from the date of receipt of a copy of this order.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-02-2016

Ndr/*

