

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA
WRIT PETITION No.23366 OF 2007

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ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioners have come up with the above writ petition by way of a Public Interest Litigation challenging a notification dated 03-10-2007 issued by the respondent Devasthanam in News Paper, inviting tenders for the grant of licenses to private individuals to maintain and run the Kalyana Mandapams constructed on the lands donated by the parents of petitioner Nos.2 and 3 with the money contributed by the members of the public.

2. Heard Sri Rama Mohan Palanki, learned counsel for the petitioners.

3. Even according to the petitioners, the respondent Devasthanam invited pious people to gift lands of the extent of not less than one acre and also to contribute money towards the construction of Kalyana Mandapams in various places. In response to the call so given by the respondent Devasthanam, the 2nd petitioner's father donated a piece of land and the 3rd petitioner donated a sum of Rs.50,000/-. It appears that another Public Charitable Trust also donated a piece of land.

4. With the lands so gifted and the amounts so donated by the members of the public, the Devasthanam constructed Kalyana Mandapams. The grievance of the petitioners is that without letting out those Kalyana Mandapams for religious and pious purposes at nominal rates or without charging any rate, the respondent Devasthanam issued an advertisement in the News Paper inviting tenders from private individuals to hold the licenses for maintaining and running Kalyana Mandapams on a commercial basis. Therefore, the petitioners contend that though they did charity to the Devasthanam, the Devasthanam in turn is not doing charity to the public.

5. But we are unable to redress the grievance of the petitioners. Once a property is given by way of gift unconditionally to a Devasthanam, it is not open to the petitioners to make a prayer to this Court to impose a condition, with regard to the manner in which the property is to be utilized by the Devasthanam. It is not the case of the petitioners that the gift was a conditional gift. The gift itself was in response to a call made by the Devasthanam. Therefore, the prayer in the writ petition cannot be granted. Hence, writ petition is dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

V.

RAMASUBRAMANIAN, J

A. SHANKAR NARAYANA, J

June 02, 2016.

Mgr