

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No.39300 of 2015**

**11.02.2016**

Between:

Nelluri Bhadraiah

.. Petitioner

and

The State of Telangana,  
represented by its Principal Secretary,  
Endowments Department, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Laxmaiah for Mr.V.Brahmaiah Chowdary

Counsel for respondent Nos.1 to 6: Government Pleader for  
Endowments (TS)

Counsel for respondent No.7: --

**The Court made the following:**

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**ORDER:**

The petitioner, who was appointed as one of the nonhereditary Trustees of Sri Uma Maheswara Swamy Temple, Srinagar Colony, Gondriyala Village, Kodad Mandal, Nalgonda District, along with two others, has filed this writ petition feeling aggrieved by the inaction of respondent No.5 in administering oath.

Though on 03.12.2015, the learned Assistant Government Pleader and learned standing counsel for Endowments (TS) took notices for instructions, no instructions have been reported. Be that as it may, the admitted facts of the case revealed that the petitioner was appointed as a nonhereditary Trustee as far back as 30.05.2011. Under Section 19(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, a Trustee, who fails to take oath of office within thirty days from the date on which he was appointed as laid down in Sub-Section (2) thereof, shall cease to hold office. Admittedly, oath of office was not administered to the petitioner within the statutorily stipulated time. If there was any lapse on the part of respondent No.5, the petitioner is not expected to remain quiet for nearly 4 ½ years after his appointment as Trustee, before he has made a representation on 26.10.2015. Except the *ipse dixit* of the petitioner that respondent No.5 has not administered oath though he has been approaching the said respondent for such purpose, he has not filed any material to show that he was ready for taking the oath. In these facts of the case, it is reasonable to presume that on account of his default, the petitioner could not take his oath and thereby he has ceased to be a Trustee.

Therefore, I do not find any reason to issue a *mandamus* as prayed for by the petitioner. As no fresh Trust Board was constituted for the subject temple, respondent No.5 is directed to initiate steps immediately for constitution of a nonhereditary Trust Board and complete the process within a period of three months from the date of receipt of a

copy of this order.

Subject to the above directions, the Writ Petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.50660 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

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**C.V.NAGARJUNA REDDY, J**

**11<sup>th</sup> February, 2016**  
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