

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42918 of 2016

ORDER:

This writ petition is filed seeking to declare the action of respondents 4 & 5 in recommending the name of the 7th respondent for his appointment as Ex-Officio Member of the Trust Board for the 6th respondent temple as illegal and arbitrary and consequently direct the 2nd respondent to adhere to the mandatory procedure envisaged under Sub-Section 2 of Section 15 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, for appointment of Ex-Officio Member of the Trust Board for the 6th respondent temple.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is the hereditary Archaka of the 6th respondent temple and as per the compromise order passed by the Joint Commissioner, Endowments Department, through Order No.104/76, dated 20.12.1976, the petitioner was rendering Archakatvam as 'Pradhana Archaka' of the subject temple. In addition to the petitioner, two more Archakas are rendering Archakatvam in the subject temple and the 7th respondent is one of the said two Archakas. On 24.12.2009, the 3rd respondent, while appointing the Trust Board for the subject temple in the year 2009, appointed the petitioner as Ex-Officio Member of the Trust Board of the subject temple vide proceedings, dated 24.12.2009. It is further submitted by the petitioner that after expiry of the term of the Trust Board appointed earlier, the 2nd respondent has called for applications from the eligible members for appointment of the

Trust Board of the subject temple. The main grievance of the petitioner is that the 5th respondent recommended the name of the 7th respondent for appointment as Ex-Officio Member of the subject temple. The petitioner has submitted representations, dated 27.10.2016 and 28.10.2016, to respondents 4 & 5 by bringing to their notice that the petitioner is the Pradhana Archaka rendering Archakatvam for the last 40 years, but whereas the 5th respondent has recommended the name of the 7th respondent, who is junior to the petitioner, to be appointed as the Ex-Officio Member of the Trust Board of the subject temple, but respondents 4 & 5 have not taken any action on the said representation submitted by the petitioner.

The main contention raised by the learned counsel for the petitioner is that the petitioner is the Pradhana Archaka, but whereas the 7th respondent is only an Archaka in the subject temple. Learned counsel for the petitioner further submitted that as per Sub-Section 2 of Section 15 of the Endowments Act, 1987, the Pradhana Archaka shall be appointed as Ex-Officio Member of the Trust Board of the 6th respondent temple. Learned counsel further submitted that the petitioner has already submitted representations, dated 27.10.2016 and 28.10.2016, to respondents 4 & 5 to recommend his name as Ex-Officio Member of the Trust Board, but the 5th respondent has recommended the name of the 7th respondent, which is illegal since the 7th respondent is junior to the petitioner.

Considering the facts and circumstances of the case and in view of the stands taken by the learned counsel for the petitioner, even though no material is placed before the Court to ascertain the

fact whether the petitioner is the Pradhana Archaka and the 7th respondent is an Archaka to the said 6th respondent temple, since it is informed by the learned counsel for the petitioner that the petitioner has already made representations, dated 27.10.2016 and 28.10.2016, to the 4th respondent, and the same is pending before the 4th respondent, the writ petition is disposed of with the following direction:

The 4th respondent is directed to consider the representations made by the petitioner, dated 27.10.2016 and 28.10.2016, and pass appropriate orders. The petitioner is also directed to make a representation to the 2nd respondent, who is the competent authority to appoint the Ex-Officio Member of the Trust Board of the 6th respondent temple and on such representation, the 2nd respondent is directed to consider the same and pass appropriate orders, in accordance with law.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 9th December, 2016

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