

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37863 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents 2 and 3 in not taking into consideration the last wish of the Founder Trustee made under the registered Trust Deed and not appointing any of the members of the Managing Committee of the Income Tax Department Employees' Saroornagar Cooperative House Building Society Limited to the Board of Trustees of Sri Prasanna Anjaneya Swamy Temple, Rama Krishna Puram, right from the date of taking over the administration and possession of the said temple by the 1st respondent, as illegal and arbitrary, and consequently, direct the respondents to strictly adhere to the recitals in the Registered Trust Deed.

Heard and perused the material available on record.

The petitioner is the President of Income Tax Department Employees' Saroornagar Co-operative House Building Society Limited (for short 'Society'), and the Society procured an extent of Acs.44.94 guntas of land in Saroornagar and constructed houses and also the Temple of Sri Prasanna Anjaneya Swamy. One Smt. M. Mahalaxamma was made as Founder Trustee of the temple and as per the terms of the Trust, the daughter of Smt.M. Mahalaxamma would be Hereditary Trustee and the hereditary trustee shall be the trustee for life and after her, her eldest son shall be hereditary trustee, and thus the eldest male child from generation to generation shall be the hereditary trust, and one trustee shall be nominated by the Managing Committee of the Society. Subsequently, the temple was taken over by the Government. Right

from the date of taking over the said temple, the government has given go bye to the conditions stipulated in the Trust Deed and did not appoint any of the Managing Committee Members of Society as trustees as per the Trust Deed and appointing the political un-employees, who are unconnected with the colony and who are not even the residents of the colony. The grievance of the petitioner is that the 2nd respondent has issued notification, dated 06.08.2016, calling for applications from the interested applicants for appointment as Trust Board Members of the Temple, and that the petitioner and other members of the Society have made application, dated 09.09.2016, to the 2nd respondent requesting to appoint any two of the members of the Society as the members of the Trust Board, but, the 2nd respondent, without considering the representation made by the petitioner and others, is proposing to appoint political persons as Members of the Trust Board.

Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, the 2nd respondent is directed to consider the application, dated 09.09.2016 as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 04, 2016.
KTL