

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6745 of 2016

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Between:

R. Yugandhar Babu

PETITIONER

AND

1. The Commissioner of Endowments, Andhra Pradesh,
Boggulakunta, Tilak Road, Abids, Hyderabad, and others.

RESPONDENT

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Endowments for respondents. As the issue involved in this writ petition is simple in nature, with the consent of both the counsel the writ petition itself is disposed of at the admission stage.

The case of the petitioner is that The petitioner is a member of the founder's family of Sri Mutyalamma Devata Temple situated at Thenabanda Village, Chittoor Mandal and District. He made an application to the Assistant Commissioner of Endowments, Chittoor to recognize him as a member of the founder's family, and he was declared as a member of the founder's family vide proceedings dated 16.01.1997. While so, on 06.08.2015 the 1st respondent issued a notification calling for applications for constituting a board of trustees to the subject temple. Thereafter, the petitioner filed an application on 05.10.2015 seeking exemption under Sections 15, 17 and 18 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') from the 2nd respondent by invoking Section 154 of the Act. As the respondents have not acted upon the said application, the petitioner filed the present writ petition.

Learned counsel for the petitioner contended that though the notification for constituting trust board has been issued on 6.08.2015 till date no trust board has been constituted. Therefore, the learned counsel sought for a direction to the respondents to pass orders on the application submitted by the petitioner seeking exemption of the subject temple.

Learned Government Pleader does not have any objection for granting such direction.

Having considered the submissions of the respective parties,

the writ petition is disposed of directing the 2nd respondent to dispose of the application submitted by the petitioner under Section 154 of the Act, within a period of three months from today.

Considering the assertion made by the learned counsel for the petitioner, which is not controverted by the learned Government Pleader and in view of the 3rd proviso to Section 15 of the Act, the petitioner shall be entitled to discharge the functions of Board of Trustees till the board of trustees is constituted / disposal of the application submitted by the petitioner for exemption, whichever is earlier.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

2nd March, 2016
Js.