

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.31090 of 2016

ORDER:

This writ petition is filed for a writ of *mandamus* to declare the action of the 1st respondent – Assistant Commissioner of Endowments, Guntur, in issuing Orders in L.Dis.No.A5/ 8455/ 16, dated 31.08.2016, permitting the 4th respondent to continue as Chairman to Sri Kasi Visweswara Swamy Temple, Pedagottipadu Village, Prathipadu Mandal, Guntur District, out of the three family members, as illegal and arbitrary.

Heard and perused the material available on record.

The main grievance of the petitioner is that the 2nd respondent – Deputy Commissioner has approved the status of the petitioner and declared him as the Member of Founder's Family. But the 1st respondent – Assistant Commissioner, passed the impugned order permitting the 4th respondent to continue as Chairman of the subject temple, without hearing the petitioner. The 1st respondent is not empowered to pass such order appointing the 4th respondent as the Chairman of the subject temple. The 2nd respondent is the person who empowered to pass such an order. Therefore, the petitioner filed the present writ petition.

After perusing the record, this Court is of the view that the order impugned is not valid in law and the 1st respondent is not a competent authority to pass such an order. Therefore, considering grievance of the petitioner, this Court is inclined to pass the following order:

The order of the 1st respondent in L.Dis. No.A5/ 8455/ 16, dated 31.08.2016, is set aside and the petitioner is directed to submit an

application before the authority concerned for appointment of Chairman of the Trustee. On such application being filed, the authority, who is competent to pass orders, is directed to consider the same, after issuing notice to the 4th respondent, and pass appropriate orders in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

RAJA ELANGO, J

October 18, 2016.
KTL

