

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

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Writ Appeal Nos.1078 and 1084 of 2015

Date:6.1.2016

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W.A. No. 1078 of 2015

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Between:
Srirangam Ramanjaneyulu,
Tadepalligudem,
West Godavari District.

Appellant

And

Sri Balusulamma Thalli Temple Committee,
Tadepalligudem and others.

... Respondents

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AND
THE HON'BLE SRI JUSTICE S.V. BHATT

Writ Appeal Nos.1078 and 1084 of 2015

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned Advocate General for the State of Andhra Pradesh for the appellants in Writ Appeal No. 1084 of 2015; Smt. K. Lalitha, learned counsel for the appellant in Writ Appeal No. 1078 of 2015 and Mr. K.S. Murthy, learned counsel for the respondents-writ petitioners in both the writ appeals.

The writ appeals are directed against the common order dated 10.7.2015 passed in Writ Petition No. 26700 of 2014 and C.C. No. 1931 of 2014 in Writ Petition No. 26700 of 2014. In the writ petition, the respondents-writ petitioners challenged proceedings dated 27.6.2014, issued by the Commissioner of Endowments, A.P., Hyderabad. The impugned proceedings read thus:

“In the circumstances reported by the Assistant Commissioner, Endowments Department, Eluru, West Godavari District in the reference cited, the following Hindu Religious Institution is hereby published U/s.6 (c)(ii) of the Act 30/87.

Publication No. of 6(c)(ii)	Name of the Temple	Village, Mandal & District
1844	Sri Balusulamma Ammavari Temple	Tadepalligudem (V&M), West Godavari District.

The Assistant Commissioner, Endowments Department, Eluru is also requested to register the subject temple as required U/s. 43 of the Act duly following the procedure as prescribed.”

The basic contention urged on behalf of the respondents-writ

petitioners before the learned Single Judge was that the procedure contemplated under Section 6(c)(ii) and Section 44 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short “the Act”) was not followed. In other words, it was submitted that no notice was issued to the respondents-writ petitioners and they were not heard by the authority before publishing the subject religious institution under Section 6(c)(ii) of the Act.

We have heard learned Advocate General and Mr. K.S. Murthy, learned counsel and with their assistance, gone through the relevant provisions of the Act and the impugned order.

In the course of hearing, we made certain suggestions for disposing of these writ appeals. The Counsel appearing for the parties have agreed for the order that we propose to pass. Hence, we dispose of these appeals, by the following order:

“1) The proceedings dated 27.6.2014, issued by the Commissioner, Endowments Department, A.P., Hyderabad, is set aside, by consent. The Commissioner, Endowments Department, A.P., Hyderabad, shall issue notice to the respondents-writ petitioners for publishing Sri Balusulamma Ammavari Devalayam, Tadepalligudem, under Section 6 or its Registration under Section 44 read with Section 43 of the Act, within a period of two weeks from today. The respondents or the persons-in-charge of the said religious institution shall submit reply to the notice within a period of two weeks therefrom.

2) The Commissioner, on receipt of the reply, shall grant an opportunity of being heard to the respondents-writ petitioners and decide the notice, as expeditiously as possible, preferably within a period of four weeks therefrom and shall make the order available to the respondents within a period of one week therefrom.”

Mr. Murthy, learned counsel appearing for the respondents-writ petitioners, on instructions, makes a statement that for a period of eight weeks, the respondents-writ petitioners shall not operate the existing bank accounts of subject temple. His statement is recorded and accepted. It is open for the respondents-writ petitioners to open a new

account in a nationalized bank and deposit cash receipts, if any, in the said account and maintain the accounts. It is open for them to incur the expenses from the said amount for running the temple on day to day basis.

Mr. Murthy, learned counsel also makes a statement, on instructions, that for a period of eight weeks, the respondents-writ petitioners shall not open the Hundi. This, however, shall not preclude the respondents-writ petitioners from placing another Hundi if the existing Hundi is filled with donations. In that event, they shall not open the second Hundi for a period of eight weeks. His statement is recorded and accepted.

It is open to the Officers of the appellants in Writ Appeal No. 1084 of 2015, to seal the Hundi, if they so desire, within a period of one week from today in the presence of the respondents-writ petitioners. The Commissioner, while deciding the notice, shall take all steps to protect and continue the customary rites practised in the temple.

With these observations, the writ appeals are disposed of, and as a consequence thereof, the common order passed by the learned Single Judge, dated 10.7.2015, renders ineffective.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

6th January, 2016
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