

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**Writ Petition No.35883 of 2015**

**Dated 25<sup>th</sup> January, 2016**

**Between:**

Vanga Ravinder Reddy

**...Petitioner**

**And**

The State of Telangana, rep.by its Principal Secretary, Endowments  
Department, Secretariat, Hyderabad and others

**...Respondents**

**Counsel for the petitioner: Sri M.Damodar Reddy**

**Counsel for respondent Nos.1 to 3: AGP for Endowments**

**The Court made the following:**

**ORDER:**

The petitioner, who claims to be the resident of Karmanghat, filed this writ petition for a direction to the respondents to consider his representation, dated 26.10.2015, for constituting Board of Trustees of Hanuman Temple, Karmanghat Village, Saroornagar Mandal, Ranga Reddy District only from among the permanent residents of Karmanghat Village.

Sri M.Damodar Reddy, learned counsel for the petitioner, placed reliance on Section 17 of the A.P.Charitable and Hindu Religious Institutions & Endowments Act, 1987 Hindu (for short 'the Act') in support of the petitioner's plea that the residents of Karmanghat alone are entitled to be considered in the constitution of Trust Board for the said temple.

Section 17 of the Act reads as under:

**“Section 17 - Procedure for making appointments of trustees and their term:** (1) In making the appointment of trustees under Section 15, the Government, the Commissioner, the Deputy Commissioner or the Assistant Commissioner, as the case may be, shall have due regard to the religious denomination or any such section thereof to which the institution belongs or the endowment is made and the wishes of the founder:

Provided that the founder or one of the members of the family of the founder, if qualified as prescribed shall be appointed as one of the Trustees.

**Explanation I:-** 'Founder' means,-

(a) in respect of Institution or Endowments existing at the commencement of this Act, the person who was recognized as Hereditary Trustee under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 or a Member of his family recognized by the Competent Authority;

(b) In respect of an Institution or Endowment established after such commencement, the person who has founded such Institution or Endowment or a member of his family and recognized as such by the competent authority.

**Explanation II:-** 'Member of the family of the founder' means children, grand children and so in agnatic line of succession for the time being in force and declared or recognised as such by the relevant appointing authority.

**Explanation III:-** Those persons who founded temples by collecting donations partly or fully from the public as well as those who founded them on public lands shall not be recognised as founder trustees by any means.

(2) Every trustee appointed under Section 15 shall hold office for a term of two years from the date of taking oath of office and secrecy.

Provided that every trustee who completed a term of office of one year at the commencement of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, 2000, shall cease to hold office forthwith and every Trustee whose term of office exists after such commencement shall continue to hold office for a period of two years from the date of taking oath of office and secrecy.

**Explanation:-** Where the oath of office and secrecy are administered on different dates, the period of three years shall be reckoned from the earlier of those dates for the purpose of this subsection.

(a) The procedure for calling for application for appointment of trustees, verification of antecedents and other matters shall be such as may be prescribed.

(4) No person shall be a trustee in more than one Board of Trustees.

(5) In every Board of Trustees, there shall be atleast one woman member and one member belonging to the Scheduled Castes or the Scheduled Tribes whose population is larger in the concerned village and one

member belonging to Backward Classes:

Provided that it shall not be necessary to appoint-

(a) a woman member where any person appointed to represent the Scheduled Castes or the Scheduled Tribes or the Backward Classes is a woman;

(b) a member of the Scheduled Castes or the Scheduled Tribes where any woman member appointed belongs to the Scheduled Castes or the Scheduled Tribes;

(c) a member of the Backward Classes where any woman member appointed belongs to the Backward Classes.

(6) All properties belonging to a charitable or religious institution or endowment, which on the date of commencement of this Act, are in the possession or under the superintendence of the Government, Zilla Praja Parishad, Municipality or other local authority or any company, society, organisation, Institution or other person or any committee, superintendent or manager appointed by the Government, shall, on the date on which a Board of Trustees is or is deemed to have been constituted or trustee is or is deemed to have been appointed under this section, stand transferred to such Board of Trustees or trustee thereof, as the case may be, and all assets vesting in the Government, local authority or person aforesaid and all liabilities subsisting against such Government, local authority or person on the said date shall, devolve on the institution or endowment, as the case may be."

On a careful reading of the above-mentioned statutory provision, I am unable to cull out there from any statutory mandate that the residents of the same village or town in which the subject temple is situated alone should be appointed as Trustees. In the absence of any such provision, the very request of the petitioner to appoint only the residents of the area in which the subject temple is situated cannot be considered. Hence, no mandamus can be issued to respondent No.1 to consider the request of the petitioner.

For the above-mentioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WP.M.P.No.46130 of 2015 shall stand disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

25<sup>th</sup> January, 2016  
VGB