

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22585 of 2016

ORDER:

The proceedings, dated 01.06.2016 of the 3rd respondent Deputy Commissioner, Endowments Department, Guntur appointing Sri J. Hanuman Reddy, Executive Officer, Kothapet Group of Temples, Guntur, as a single trustee of the subject temple, has been assailed in this Writ Petition.

The petitioner Samithi represented by its Secretary has constructed Sri Lakshmi Padmavathi Sametha Venkateswara Swamy Temple at Gorantla and the villagers, who are the members of the petitioner, have been maintaining the said temple. While so, the Endowments Department has handed over the charge of the temple to a Committee for maintenance and thereafter, to Sri Vidyaranya Swamy and Sri Hampi Virupaksha Vidyaranya Mahasansthan, Hampi, but subsequently, based on the representation submitted by the petitioner, *vide* proceedings, dated 24.09.2011, the 1st respondent exempted the abovesaid temple from the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, under Section 154, for a period of three years and handed over the same again to the petitioner Samithi for its development. Since the said period had been coming to a close by 23.09.2014, the petitioner submitted representations dated 28.04.2014 and 23.06.2014 requesting the respondent authorities to extend the period of exemption for the next three years, but pending their consideration, the 3rd respondent, through proceedings, dated 01.06.2016, has appointed a single trustee to take immediate charge of the subject temple.

Learned counsel for the petitioner Sri S. Sridhar has mainly argued that in the light of the report submitted by the 4th respondent Assistant Commissioner to the effect that the petitioner Samithi is

capable of maintaining the temple on its own and that it has already made representations seeking extension of the period of exemption, the 3rd respondent ought not to have passed the order impugned in this Writ Petition.

Heard learned Government Pleader for Endowments (Andhra Pradesh).

From a perusal of the impugned proceedings, it is evident that it has been passed by the 3rd respondent, in exercise of the powers conferred on him under Section 15(2) of the Act, for better administration of the temple. Mere pendency of the representations submitted by the petitioner does not prevent him from appointing any trustee, as the development of the temple is of paramount importance. Hence, the arguments advanced by the learned counsel for the petitioner cannot be accepted and consequently, the order dated 01.06.2016 cannot be said to be illegal.

However, keeping in view the fact that previously the 1st respondent has exempted the temple in question from the provisions of the Act and that the petitioner has also submitted representations seeking extension of the period of exemption, the interests of justice would be served if a direction is issued to the respondent authorities to pass appropriate orders on the representations, in a fixed time-frame.

The 2nd respondent Commissioner is therefore, directed to consider the representations dated 28.04.2014 and 23.06.2014 and pass appropriate orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

13th July 2016

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