

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.31035 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the inaction on part of respondent Nos.2 and 3 in disposing of the representation of the petitioner, as illegal and arbitrary.

2. Heard Smt. V.Jayasree, the learned counsel for the petitioner and the learned Assistant Government Pleader for Endowments appearing for the respondents.

3. The petitioner is Sri Bhola Subedar Hanuman Temple represented by its Chairman P.Shanker Singh. The temple was constructed way back in the year 1876. The respondents appointed trustees vide Proceedings No.E/458/91, dated 27.03.1991. The petitioner submitted a representation to the third respondent in the year 2014 requesting to register the temple under Section 43 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act'). A perusal of the record reveals that the third respondent issued a notice on 17.11.2015 under Section 43 of the Act calling for objections from the public. So far the respondents have not taken any action. Again on 12.02.2016 the petitioner submitted a representation to the third respondent requesting to register the temple under Section 43 of the Act.

4. The only grievance of the petitioner is that the third respondent may be directed to pass appropriate orders on the representation of the petitioner dated 12.02.2016. The learned

Assistant Government Pleader for the respondents submitted that there is a property dispute in respect of the petitioner-Temple.

5. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

6. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both parties, the third respondent is hereby directed to dispose of the representation of the petitioner dated 12.02.2016 in the light of the provisions of the A.P.Charitable and Hindu Religious Institutions and Endowments Act and Rules made thereunder, after affording a reasonable opportunity to the petitioner, as expeditiously as possible preferably within a period of two (2) months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

8. Consequently, Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 15.09.2016
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