

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 21707 of 2016**

**ORDER:**

The petitioner seeks to set aside the proceedings dated 09.06.2016 of the 2<sup>nd</sup> respondent Commissioner, Endowments Department and the consequential proceedings dated 25.06.2016 of the 3<sup>rd</sup> respondent Deputy Commissioner, by which the 5<sup>th</sup> respondent Assistant Commissioner & Executive Officer of Sri Rama Swamy Temple, Ramatheertham Village, Nellimarla Mandal, Vizianagaram District was kept in full additional charge of the post of the Executive Officer of Sri Ganapathi Swamy Taditara Temples, Kumili Village, Poosapatirega Mandal, by relieving the petitioner herein as the Founder Member of the subject temple.

The case of the petitioner is that he was declared as the member of the founder family of Sri Ganapathi Taditara Dwadashi Temples situated at Kumili Village, which is a religious temple published under Section 6(c)(ii) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, by the competent authority, i.e. the Assistant Commissioner, Endowments Department, Vizianagaram, *vide* proceedings dated 30.10.2003. While so, the petitioner was issued a show cause notice dated 07.07.2014 calling for the explanation for the alleged irregularities committed by him in the administration of the temple, for which, he has submitted the explanation on 05.08.2014. Thereafter, the present impugned orders have emerged.

Learned counsel for the petitioner would submit that issuance of the impugned proceedings amounts to removal of the petitioner from the trusteeship without conducting any enquiry as contemplated under Section 28(2) & (3) of the 1987 Act.

Ms. K. Lalitha, learned Standing Counsel for the temple, on the other hand, while drawing my attention to the third proviso to Section

29 of the 1987 Act, would submit that for better administration of the institution, it is always open for the Commissioner to appoint an Executive Officer for the temple. According to her, the subject institution owns about Acs.100-00 of land and the petitioner is not able to protect the said property from the encroachers. She would further submit that the petitioner would not suffer any prejudice as the impugned orders have not directed his removal from the trusteeship.

The show cause notice dated 07.07.2014, in my opinion, does not fulfill the requirements of Section 28 of the Act, hence, the impugned orders have to be construed as having been passed under Section 29. Merely because the impugned order dated 25.06.2016 directed the Assistant Commissioner & Executive Officer of Sri Rama Swamy Temple, Ramatheertham to take over the complete charge of the subject temple from the petitioner, it cannot be understood that the said order, in any way, belittled the rights and privileges of the petitioner as a hereditary trustee or interfering with the affairs of the trustee. The same view was fortified by the judgment of this Court in ***Uppalapati Venkata Gopalakrishna Rao v. Commissioner of Endowments, Hyderabad***<sup>[1]</sup>. Hence, the impugned orders cannot be said to be illegal or arbitrary.

The Writ Petition therefore, stands disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

---

**CHALLA KODANDA RAM, J.**

05<sup>th</sup> July 2016

ksld

---

<sup>[1]</sup> 2002(2) ALD 477