

THE HON' BLE SRI JUSTICE M. S. K. JAISWAL

W.P.NO. 14762 OF 2007

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the 2nd respondent in issuing the Proceedings No.C/ 1689/ 2007, dated 07.06.2007 as illegal, arbitrary and unconstitutional.

2. The petitioner is a registered Temple Committee, formed by its Members, who are house owners and residents of Sainagar Colony, Balanagar, Hyderabad, and who have constructed the temple in 1987-1989. Further, even though the petitioner-temple is not a public one and not getting any benefits either from the Government or Endowments Department, the 2nd respondent illegally issued the impugned notice, dated 07.06.2007, without publishing and registering, calling applications for appointment of Board of Trustees. It is also alleged that the 2nd respondent is not having any power or rights to declare the petitioner-temple as belonging to Endowments Department. Against the impugned proceedings, though the petitioner-temple preferred an appeal before the 1st respondent, the same was not disposed of by the 2nd respondent. Hence, the writ petition to declare the impugned action of the respondents as illegal and arbitrary.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments, and considered the material on record.

4. It is submitted that aggrieved by the impugned notice issued by the 2nd respondent, the petitioner has preferred an appeal before the

1st respondent in the year 2007, and the same has not been disposed of so far. It is not in dispute that the appeal filed by the petitioner is pending for adjudication before the 1st Respondent.

5. In that view of the matter, without going into the merits of the matter, the writ petition is disposed of directing the 1st respondent to dispose of the appeal, said to have been filed by the petitioner against the impugned proceedings/notice issued by the 2nd respondent, dated 07.06.2007, within a period of three months from the date of receipt of a copy of this order. Till the disposal of the said appeal/objections, the interim order of this Court, dated 17.07.2007 directing the respondents not to finalise the constitution of Board of Trustees, pursuant to the impugned notice dated 07.06.2007 shall continue.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

Dt.12-10-2017

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M.S.K.JAISWAL, J.

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