

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.27869 of 2013

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, challenging the action of the respondents in issuing proceedings in L.Dis.No.D1/30856/2013, dated 11.09.2013, deleting Sri Veeranjaneya Swamy Temple, Vandrapudi, Pamarru Mandal, Krishna District, from the additional charge of the petitioner and including the same in the additional charge of the 4th respondent, who is the Executive Officer of Sri Veeranjaneya Swami Temple, Gudivada Town, Krishna District.

2. I have heard the submissions of Ms. S. Madhavi, learned counsel, representing Sri C. Raghu, learned counsel for the writ petitioner, and of Sri A. Gopalakrishnamacharyulu, learned counsel for the 4th respondent. I have perused the material record.

3. The case of the petitioner, in brief is as follows:

He is the in-charge of 12 temples within Pamarru Mandal and he is conveniently and efficiently administering all the temples; whereas, the 4th respondent has been managing 17 temples in four mandals, viz., Gudivada Town, Gudivada Rural Mandal, Gudlavalleru Mandal and Mudinepalli Mandal. No temple in Pamarru Mandal was under the management of the 4th respondent under any in-charge arrangement. While so, the impugned proceedings were issued deleting Sri Veeranjaneya Swami temple, Vundrapudi village, Pamarru Mandal, Krishna District, from the additional charge of the petitioner and adding it

to the temples which are within the charge of the 4th respondent. The impugned proceedings reflect that the said change was necessary in the interests of the public and for proper administration. The 4th respondent would be now required to administer 18 temples in 5 Mandals; however, if the management of the said temple is retained with the petitioner, he would be administering 12 temples within one Mnadal, Pamarru. The impugned proceedings were issued with *mala fide* intention on the instigation and under the influence of the local M.L.A. Hence, the writ petition is filed.

4. The case of the 2nd respondent/Commissioner of Endowments, Hyderabad, as per the averments in the counter, in a nutshell, is as follows:

The petitioner is functioning as Executive Officer of Pamarru Group Temples is false. He is functioning as in-charge officer of Sri Veeranjaneya Swami Temple, Undrapudi, Krishna District. He is only functioning as Manager of the said institution. He is having 14 temples under his charge. The petitioner has no *locus standi* to file the writ petition questioning the impugned order. The competent authority can change the additional charge arrangements keeping in view the work load and other criteria. The petitioner's action in challenging the impugned order shows his disobedience to the orders of the superiors.

5. The case of the 4th respondent, in brief, is as follows:

He is working as Executive Officer (Grade-III) of Sri Veeranjaneya Swamy Temple, Gudivada. He was given additional charge of Sri Veeranjayena Swamy Temple, Undrapudi, Polavaram X Roads, Krishna

District, by the 2nd respondent. The impugned proceedings are issued exercising the statutory powers in the interest of public and for better administration. The basis for issuing the impugned order is the report of the Deputy Commissioner, Endowments Department, Kakinada, in Rc.No.B4/1724/2013, dated 04.09.2013, whereunder, the said Deputy Commissioner has reported that Sri Veeranjaneya Swami Temple, Undrapudi, is not in a position to pay the petitioner his salary or any remuneration and as such, if a regular Executive Officer is given additional charge, developmental activities and construction works in the temple can be taken up. The writ petition is devoid of merit and is liable to be dismissed.

6. The learned counsel for the petitioner and the learned counsel for the 4th respondent advanced arguments in line with the pleadings of the parties, which are referred to *supra*.

7. I have bestowed my attention to the facts and noted the submissions. I have perused the pleadings.

8. To begin with it is to be noted that the 2nd respondent is disputing the claim of the petitioner as Executive Officer of the subject temple and is *inter alia* stating that he is only a manager of the subject temple. Be that as it may. On the basis of the report of the Deputy Commissioner, Endowments Department, Kakinada, the 2nd respondent issued the impugned proceedings in the interests of public and for better administration of the subject temple. In the report of the said Deputy Commissioner it is also stated that the subject temple is not in a position to pay the petitioner his salary or any remuneration and as such, if a

regular Executive Officer is given additional charge, developmental activities and construction works in the temple can be taken up. Moreover, the impugned proceedings were issued exercising the statutory power, which is vested in the 2nd respondent; and, it is undisputed that the 2nd respondent is having power to make in-charge and additional charge arrangements and also alter the same from time to time depending upon the exigencies. Except barely stating that the local M.L.A., instigated and influenced and was responsible, no other grounds, much less valid grounds are urged in the writ petition. The writ petition challenging the proceedings of the 2nd respondent, which were issued in exercise of the statutory powers and on the basis of a report of a competent officer viz., Deputy Commissioner, Endowments Department, Kakinada, is highly misconceived. In that view of the matter, this Court sees no acceptable merit in the writ petition warranting interference with the said proceedings.

9. On the above analysis, this Court finds that writ petition is devoid of merit and is liable to be dismissed.

10. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

25th April, 2017
Bvv

M.Seetharama Murti, J