

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.36882 OF 2016

ORDER:

The writ petition is filed challenging the action of the respondents 2 to 4, in not taking any action against the 5th respondent, for not handing over the affairs of the 5th respondent temple to the petitioners, on the representation dated 24.06.2016.

It is the case of the petitioners who are admittedly as the trustees of the temple that the Executive Officer is not cooperating and permitting the petitioners to discharge their functions in terms of Section 23 and 24 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, "the Act"). In that connection petitioners submit that they have complained to the Commissioner of Endowments on 24.06.2016 and also to the Deputy Commissioner and the Assistant Commissioner, but so far no action has been taken. On earlier occasion also the petitioners were forced to approach this Court by filing a writ petition in W.P.No.13002 of 2016, and this Court allowed the writ petition by an order dated 20.04.2016, with costs and the costs ordered to be recovered from the concerned officer in his individual capacity.

Separate Counter-affidavits have been filed by the respondents 4 and 5 denying the allegations made by the petitioners.

So far as the 5th respondent is concerned, he has denied the allegations made by the petitioners. 4th respondent is the Assistant Commissioner, and he is the immediate superior of the 5th respondent. Strangely, 4th respondent-Assistant Commissioner also filed a counter-affidavit in a way supporting the 5th respondent. However, counter-affidavit does not refer any enquiry having been

made by the 4th respondent with respect to the allegations of the petitioners. This Court can also take notice of the fact that on earlier occasion while allowing the Writ Petition No.13002 of 2016, filed by the petitioners noticing the conduct of incumbent officer of the 4th respondent, the costs were directed to be recovered from the individual officer. The Court record does not indicate the costs having been paid by the incumbent officer of the 4th respondent. When we consider the nature of the allegations made by the petitioners against the 5th respondent, the 4th respondent was duty bound to have enquired into those allegations before filing the counter-affidavit in the writ petition rather than reiterating certain legal provisions. In the facts circumstances, as appearing on record, the allegations of the petitioners cannot be brushed aside.

In those circumstances, there shall be a direction to the 2nd respondent-Commissioner, to examine the complaint of the petitioners and examine the record and take appropriate steps to sort-out the grievance of the petitioners. Petitioners may also be given opportunity to put forward their case in person. The entire exercise shall be completed within a period of eight weeks from the date of receipt of copy of the order.

With the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:21.02.2017,

Note:

Issue CC forthwith.

B/o.

Gk.

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Gk