

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.17650 OF 2010

ORDER:

The relief sought for in this Writ Petition is to declare the action of respondents 1 to 4. in not considering the petitioner's representation dated 02.07.2010, as arbitrary and illegal.

Facts, to the limited extent necessary, are that the petitioner, a charitable trust, claims to have been registered under Section 43 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter called the "1987 Act) vide proceedings dated 28.03.2007. The Manager of the Anjaneya Swamy Temple, Agraharam of Vemulawada Mandal, is said to have submitted a representation on 22.12.2008 to the Assistant Commissioner against the Trust requesting the Commissioner to cancel its registration.

On the ground that their electricity connection was cancelled, the petitioner had earlier filed WP.No.8847 of 2009 which was disposed of on 28.10.2009. The petitioner claims to have made a representation to the respondents on 02.07.2010 requesting them to cause an enquiry against the Manager, and to pass necessary orders in the matter. By order in WPMP.No.22305 of 2010 dated 16.08.2010, this Court directed respondents 1 to 4 to consider the petitioner's representation dated 02.07.2010, and to pass appropriate orders in accordance with law within four weeks.

Sri Mohd.Asifuddin, learned counsel for the petitioner, would submit that, pursuant to the interim order passed by this Court, a notice was issued to the Chairman of the Trust that an enquiry

was being caused pursuant to the representation submitted by the petitioner; but, however, the enquiry has not been completed till date; the officer-in-charge of the Temple had sought cancellation of registration of the petitioner-Trust having colluded with certain anti-social elements; and, therefore, action should be taken against him.

The question whether the officer concerned had colluded with others, and had acted against the interests of the temple, cannot be examined in the present Writ Petition as the said individual has not been arrayed as a respondent. The relief sought, for action to be taken against him, cannot be granted in this Writ Petition. Suffice it to make it clear that dismissal of this Writ Petition would not disable the respondents, if they so choose, from taking necessary action in accordance with law.

Subject to the aforesaid observations, the Writ Petition fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

30th November 2017
RRB