

**HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 3279 of 2017**

**ORDER:**

The order dated 26.11.2016, passed by the second respondent – Assistant Commissioner appointing the executive officer, is challenged on the ground that the Commissioner is the competent authority to appoint the executive officer. The power exercised by the second respondent – Assistant Commissioner is *ultra vires* the provisions of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987.

Learned Government Pleader for Endowments (Telangana Area) fairly submits that the impugned order may be set aside leaving it open to the respondents to take appropriate decision in accordance with law.

In the light of the undisputed fact that power has been exercised by the incompetent authority, the impugned order dated 26.11.2016 is set aside. However, it is left open to the authorities competent to take action in accordance with law. In as much as the order appointing the executive officer is set aside on the ground of being passed by authority incompetent, all consequential steps taken, including taking possession of the petitioner – Bhaktha Samajam, are set aside. The petitioner shall be handed over the records etc., if any, taken from them.

The Writ Petition, accordingly, stands allowed.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

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**JUSTICE CHALLA KODANDA RAM**

Date: 02.02.2017  
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