

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8685 of 2017

ORDER:

Letter dated 06.02.2017 addressed by the Assistant Commissioner, Endowments Department, Nizamabad (respondent No.4) to the Commissioner, Endowments Department, Telangana State (respondent No.2) is challenged before this Court.

Petitioners state that respondent No.6, who is the founder family member of respondent No.5 – Temple, is said to have been involved in various irregularities in connection with the affairs of the Temple. Respondent No.4, by letter dated 30.06.2015, in detail, had set out the irregularities committed by respondent No.6, which reads as under:

- i. The Founder Family Member has failed to submit the budget approval u/s 67 of the Act.
- ii. He has failed to submit the assessment report u/s 75 of the Act.
- iii. He has failed to pay E.A.F.
- iv. He has failed to pay C.G.F.
- v. He is not showing the tenant list and shops rent amount.
- vi. He failed to submit income and expenditure of the subject temple.
- vii. He has not taken any steps to develop temple.
- viii. He has not conducted festival of temple as per norms.

As no action was taken by respondent No.2 on the report of respondent No.4, the petitioners approached this Court by filing W.P.No.20986 of 2016. This Court, by order dated 28.07.2016, directed respondent No.2 to dispose of representation dated 02.01.2016 within a period of four

weeks from the date of receipt of a copy of the order. Thereafter, respondent No.2 initiated proceedings dated 01.10.2016 to constitute Trust Board to respondent No.5 – Temple, and also to take action against respondent No.6 after disposal of O.A. pending before the Endowments Tribunal.

It is the contention of the petitioners that, on 04.11.2016, the Deputy Commissioner, Endowments Department, Telangana (respondent No.7) had issued notification calling for applications from the eligible individuals for constituting trust board; being eligible, some of the petitioners had also made application for appointment of trustees to respondent No.5 – Temple; respondent No.4 addressed a letter dated 29.12.2016 to the Commissioner of Police, Nizamabad to provide information with regard to antecedents of petitioners and other applicants, and the said process is on; and respondent No.4, by the impugned letter dated 06.02.2017, recommended for exemption of respondent No.5 – Temple from operation of Section 15 of the AP Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30 of 1987). It is further contended that recommendation made by respondent No.4 is, *per se*, illegal and contrary to his earlier proceedings dated 30.06.2015, wherein various irregularities committed by respondent No.6 have been set out. Petitioners apprehend that

respondent No.2 would grant exemption, based on the report of respondent No.4, to defeat the notification issued for constituting the trust board. It is also the apprehension of the petitioners that, in the process, the very findings of respondent No.4, as communicated on 30.06.2015, would be ignored.

In the facts and circumstances of the case, it cannot be said that the apprehension of the petitioners is without basis. Respondent No.4 shall consider the material on record particularly, including the objections raised by the petitioners before granting exemption under Section 15 of Act 30 of 1987. Interest of justice would be served if a direction is given to respondent No.2 to specifically consider and address various aspects, pointed out by respondent No.4, in his impugned letter dated 30.06.2015. It is needless to mention that respondent No.2 shall act objectively and strictly in accordance with the prescribed statutory procedure and law.

Subject to the above observations, the Writ Petition stands disposed of.

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

CHALLA KODANDA RAM,J

Date: 13.03.2017
 usd

