

**THE HONOURABLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.13325 OF 2005**

**ORDER:**

Heard learned counsel for the petitioners and the learned Government Pleader for Endowments (A.P.) appearing for respondent Nos.1 and 2.

2. In the present writ petition, challenge is to the order passed by the Assistant Commissioner of Endowments, Vijayawada, Krishna District/respondent No.2 herein *vide* proceedings in Rc.No.A1/10321/2004, dated 14.6.2005, to the extent of continuing respondent No.3 as Manager of petitioner No.1 institutions.

3. There are two submissions made by learned counsel for the petitioners. They are (1) the order passed by respondent No.2, which is impugned in the present writ petition, is totally one without jurisdiction. It is the submission of the learned counsel for the petitioners, in elaboration of the same, that the competent authority for appointing respondent No.3 is only the Commissioner of Endowments but not the Assistant Commissioner of Endowments under Section 29 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 and (2) in view of the exemption granted to the institutions run by Arya Vysya Communities *vide* G.O.Ms.No.1098, Revenue (Endowments.I) Department, dated 11.9.2008, the impugned order is liable to be set aside.

4. Though the petitioners herein raised the first contention in a specific manner at paragraph No.8 of the affidavit filed in support

of the writ petition, the counter-affidavit filed by respondent No.2 herein does not answer the same and on the other hand, the said counter states that for better administration of the institutions and also in the interest of the institutions, the impugned order came to be passed, ordering continuation of respondent No.3. As the impugned order passed by respondent No.2 directing continuation of respondent No.3 as Manager is totally one without jurisdiction, the same is liable to be set aside. It is also significant to note that *vide* G.O.Ms.No.1098, Revenue (Endowments.I) Department, dated 11.9.2008, the State Government exempted the institutions run by the Vysya Community from the operation of Sections 15 and 29 of the Endowments Act. On the said ground also, the impugned order deserves to be set aside. In fact, this Court, while ordering rule nisi on 23.6.2005, granted interim order suspending the operation of the impugned order to the extent of continuance of respondent No.3 as Manager of petitioner No.1 Charities.

5. For the aforesaid reasons, this Writ Petition is allowed, setting aside the impugned proceedings of respondent No.2 in Rc.No.A1/10321/2004, dated 14.6.2005, to the extent of continuing respondent No.3 as Manager of petitioner No.1 institutions. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

**JUSTICE A.V.SESHA SAI**

Date : 09.11.2017  
AMD/slk

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