

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.4412 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent Nos.1 to 4 herein in allowing 5th respondent in interfering with the affairs of “Sri Prasanna Parvathi Devi Sametha Sri Abhithadha Mruthyunjayeswara Swamy Temple”, calling for tenders for renovation of temple works including gopuras and allotting the work in favour of 6th respondent without any right or authority which is arbitrary, illegal and colourable exercise and mis use of powers contemplated under law.”

2. The main grievance of the petitioner, who is a hereditary archaka of Sri Prasanna Parvathi Devi Sametha Sri Abhithadha Mruthyunjayeswara Swamy Temple, is that respondent Nos.1 to 4 herein are allowing respondent No.5, who is claiming himself to be a single trustee of the said temple, to interfere with the affairs of the said temple and also allowing him to call for the tenders for renovation of temple works including gopuras and allotting the work in favour of respondent No.6 without any right or authority and that respondent No.5 is also interfering with the affairs and the developmental works of the said temple.

3. Learned counsel appearing for respondent No.5 submitted that respondent No.5 is the Chairman of the trustee up to 2013; that as the lands of the subject temple were encroached by various persons, respondent No.2 filed O.A.No.33 of 2007 and batch (14 in

total) before the Endowments Tribunal, which was later, re-numbered as O.A.No.953 of 2010 and batch and in the said O.As, respondent No.5 was made party as Chairman of the subject temple. The said O.As were allowed on 30.03.2017. As the eviction proceedings are in half way before the Endowments Tribunal and the appointment of respondent No.5 as Chairman of Trust Board expired, respondent No.5 was appointed as a single trustee to the subject temple till the recovery of temple lands from the unauthorized encroachers; that respondent No.5 is not directly involved in the affairs of the temple and only under the supervision of respondent No.4 – The Assistant Commissioner, Endowments Department, Chittoor, Chittoor District, he is contributing the amounts for the renovation and other repair works and that in any manner, he is not interfering with the affairs of the temple.

4. Learned Government Pleader for Endowments appearing for respondent Nos.1 to 4 also submitted that respondent No.6 proceeded with the renovation only as per the direction of respondent No.4 and that under the supervision of respondent No.4, respondent No.5 is only helping respondent No.6 in the execution of the work.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel, respondent No.4 is hereby directed to supervise the renovation work and other affairs of the subject temple.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE RAJA ELANGO

Date: 23.06.2017
AMD



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