

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No. 17097 2012

ORDER :

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner impugning the proceedings in Rc. No. DPI/34679/2011, dated 29.02.2012, of the Commissioner, Endowments Department, Hyderabad, as illegal, arbitrary and against the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

I have heard the submissions of Sri Suresh Shiv Sagar, learned counsel appearing for the petitioner and learned Government Pleader for Endowments.

I have perused the material record.

The facts, which are in a narrow compass, in brief, are as follows:

The petitioner is the Mahant of Sri Jagannath Swamy Mutt, Chaderghat, Hyderabad. The Commissioner issued notice impugned by formulating the following charges:

- 1) that he has acted quite detrimental to the interest of the institution.**
- 2) that he has executed lease deed for 20 years w.e.f. 01.07.2009 with Smt. Ghousia Begum, W/o Mohammed Khan for lease of vacant site without permission of the Endowments Department.**
- 3) that he has failed to lease out the shop through public auction and without permission from the competent authority.**
- 4) that he has failed to obtain approval of budget for the past several years from the competent authority.**
- 5) that he has failed to submit Assessment Report to the Competent Authority.**
- 6) that he failed to discharge his duties as per provisions of the Endowment Act 30 of 1987.**

- 7) that he has misused the compensation amount which was received from the G.H.M.C. Authority towards temple land for road widening.**

and called upon the petitioner to submit his explanation within 15 days from the receipt of the impugned proceedings/charge memo. In response, the petitioner submitted a detailed explanation dated 27.03.2012. Thereafter, the petitioner filed this Writ Petition on 05.06.2012 impugning the proceedings afore-stated.

No interim order was granted to the petitioner.

It is an undisputed fact that even by the date of filing of this Writ Petition, the 1st respondent, Commissioner of Endowments Department, Hyderabad, by his Memo dated 01.05.2012, appointed the Additional Commissioner (Estates), 2nd respondent herein, as the Enquiry Officer to conduct a detailed enquiry into the charges and submit a report on or before 10.05.2012. However, the said proceedings are not under challenge in this Writ Petition. In that view of the matter, the learned Government Pleader would submit that since an enquiry has already been initiated by appointing an Enquiry Officer, no cause survives for adjudication in this Writ Petition challenging the charge memo.

In reply, the learned counsel for the petitioner would submit that the petitioner always acted in the interests of the institution and that the petitioner having initiated legal proceedings against the encroachers of the properties of Sri Jagannath Swamy Mutt, recovered possession of several valuable properties and that in view of the subsequent events and the provisions of Act 30 of 1987, the charges levelled under charge Nos. 1 to 6 are unsustainable and that insofar as charge No.7 in regard to misuse of

compensation amount received from the Greater Hyderabad Municipal Corporation is concerned, the petitioner submitted a detailed explanation as to how the money was usefully spent on the activities and upkeep of the Mutt and its premises and that therefore, he has got very strong case to prove that the charges are frivolous and unsustainable. He further submitted that in the facts and circumstances, the Writ Petition may be disposed of reserving liberty to the petitioner to raise all the defences, which the law permits, and adduce necessary oral and documentary evidence in the domestic enquiry.

Recording the submissions, the Writ Petition is disposed of, reserving liberty to the petitioner to participate in the domestic enquiry and raise all the defences, which the law permits, and adduce the necessary oral and documentary evidence, which the petitioner intends to adduce, before the Enquiry Officer.

It is needless to say that the Enquiry Officer shall conduct a detailed enquiry in accordance with the procedure established by law. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

M. SEETHARAMA MURTI, J

6th February, 2017
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