

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.8199 of 2010

ORDER:

The relief sought for in this Writ Petition is to declare the inaction of respondents 1 to 3, in not taking action against respondents 5 and 6 for misappropriating temple funds by colluding together, as arbitrary and illegal. A consequential direction is sought to appoint an Executive Officer to the temple as per the report dated 17.11.2009 submitted by the 4th respondent.

Pursuant to the complaint made by the Assistant Commissioner, Endowments, Guntur to the Commissioner, Endowments on 17.11.2009, stating that a sum in excess of Rs.3.5 Lakhs had not been accounted for, audit was undertaken at the request of the Assistant Commissioner, Endowments as per his letter dated 17.11.2009. On the ground that no action was taken against respondents 5 and 6 for having misappropriated funds belonging to the Temple, the petitioner has invoked the jurisdiction of this Court by way of the present Writ Petition.

Since no counter-affidavit was filed by the respondents, this Court, by order dated 20.10.2017, directed them to file a counter-affidavit within one week, failing which the first respondent was directed to appear before the Court. A counter-affidavit is filed today, enclosing thereto a copy of the proceedings of the Deputy Commissioner, Endowments, Guntur dated 31.01.2011 whereby all proceedings, against the Managing Trustee of the temple, were dropped.

While the submission of Sri I.Koti Reddy, Learned Counsel for the petitioner, that the audit report does not contain reasons

for dropping all further action against the Managing Trustee of the Temple, cannot be said to be without merit, the fact remains that these questions can only be examined in duly constituted legal proceedings, wherein the Deputy Commissioner of Endowments's order dated 31.01.2011 is subjected to challenge.

Leaving it open to the petitioner, if he is so aggrieved, to question the order of the Deputy Commissioner, Endowments, Guntur dated 31.01.2011 in appropriate legal proceedings, the Writ Petition is closed. The miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

Date:27.10.2017.
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RAMESH RANGANATHAN, ACJ.

