

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.11243 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the inaction of respondents 2 to 5 in considering the petitioner's representation dated 09.03.2017, and to pass appropriate orders for handing over the keys of the Hundi of Goddess Poleramma Temple, situated within the Panchayat Limits of Naidupeta Village, Nellore District, to the Petitioner Society herein as illegal, arbitrary, unconstitutional, *mala fide* and direct respondents 2 to 5 to forthwith handover the keys of Hundi of Goddess Poleramma Temple, situated within the Panchayat Limits of Naidupet Village, Nellore District, to the Petitioner Society.

2. Heard both sides and perused the material available on record. With the consent of both the counsel, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is the Secretary of Sri Poleramma Nilayam Society, Naidupet, which is a registered society. It is submitted that when the then Honorary President i.e., the 6th respondent misappropriated the money of the temple by opening the locks of the temple Hundi without the knowledge of the Committee members through a resolution of the committee, dated 07.04.2012, the said President had been removed and aggrieved by the same, the 6th respondent felt insulted and humiliated and without the knowledge and consent of the villagers and also the committee members handed over the keys of the Hundi of the Goddess Poleramma Temple situated

within the Panchayat limits of Naidupet Village to the Executive Officer of the Endowments Department, i.e., the 5th respondent herein, who is no way concerned with the functioning of the said temple. It is further submitted that the petitioner and all its committee members met respondents 2 to 5 and informed in person as to what actually happened and requested for handing over the keys of the Hundi of the temple to the petitioner and the petitioner also submitted a representation on 09.03.2017 to respondents 2 to 5, but till now no action has been taken by respondents 2 to 5.

4. In the counter affidavit filed by the 5th respondent, who is the Executive Officer of Group of Temples, Naidupeta, it is stated that so far as the claim of the petitioner that Goddess Poleramma Temple situated within the Panchayat limits of Naidupet Village is a private temple is concerned, they have a remedy under Section 87 of the Act 30/87.

5. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing respondents 2 to 5 to consider the representation of the petitioner, dated 09.03.2017, pass appropriate orders, as warranted by law, by stating the reasons as stated in the counter affidavit, as expeditiously as possible and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 20th June, 2017
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