

*** THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

+ WRIT PETITION No.44339 OF 2016

%30.01.2017

Between:

1. C.K.Jayachandra Reddy, S/o.late Krishna Reddy,
Aged about 63 years, Occ:Agriculture,
R/o.Reddy and Reddy Colony, Kattamanchi,
Chittoor, Chittoor District. .. Petitioner
- and
1. The Commissioner of Endowments,
Government of Andhra Pradesh,
Boggulakunta, Tilak Road, Abids,
Hyderabad and two others. .. Respondents

! Counsel for Petitioner/s
^ Counsel for Respondents

: Sri M.Vidyasagar
: Government Pleader for
Endowments

< Gist:

> Head Note:

? Cases referred:

1. 2008 (4) ALD 225 (DB)



**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION No.44339 OF 2016

Between:

C.K.Jayachandra Reddy, S/o.late Krishna Reddy,
Aged about 63 years, Occ:Agriculture,
R/o.Reddy and Reddy Colony, Kattamanchi,
Chittoor, Chittoor District.

.. Petitioner

and

The Commissioner of Endowments,
Government of Andhra Pradesh,
Boggulakunta, Tilak Road, Abids,
Hyderabad and two others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 30.01.2017

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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1. Whether Reporters of Local newspapers
may be allowed to see the judgments? Yes/No
 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No
 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the judgment? Yes/No

WRIT PETITION No.44339 OF 2016

Heard both sides and considered their respective submissions.

Learned Government Pleader, on instructions, places on record the instructions received from the office of the Commissioner, Endowments Department, Vijayawada. The Commissioner in his instructions has referred to the format of the notification in Form-I as per the Act, which reads as under:

District

¹ 2008 (4) ALD 225 (DB)

Interested persons may send their applications for trusteeship in the prescribed proforma vide Form II of the rule under Section 17(3) within twenty days from the date of this notice to.....

A perusal of the format extracted above discloses that after setting out Section 17(3), receipt of the applications to be sent to was left blank by placing dots. In other words, so far as ministerial act of receiving applications can be delegated, the object is obvious as the Commissioner in the present case or the Government Secretary cannot sit and receive the applications. It can also be understood that receiving applications being the ministerial act and preparing a note based on the same for decision of the appropriate authorities, who are competent to take, does not defeat the object of the procedure involved. In the light of the above legal position, the ratio of the judgment referred by the learned counsel for the petitioner wherein this Court held that under Rule 4(1) of the Rules, the functions of the competent authority cannot be delegated, has no application.

Under the above said circumstances, there is no merit in the writ petition and is accordingly dismissed. It may also be borne in mind that insofar as processing of the applications and identifying suitable persons for appointing a trusteeship is concerned, the Rules empower only specified authorities and the same has to be strictly adhered to. No order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

30.01.2017

Note:

LR Copy to be marked.

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