

The Hon'ble Sri Justice M.Seetharama Murti

Writ Petition No.39757 of 2017

Dated 29.11.2017

Order:

This Writ Petition is filed seeking the following relief:

“to issue appropriate writ, order or direction more particularly, one in the nature of Writ of Mandamus declaring the notice bearing Rc.No.SKVST/9/2017, dt.09.11.2017, issued by the Respondent No.5 as illegal, arbitrary and violative of Articles-19 and 21 of the Constitution of India and the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 as adopted by the Government of Telangana and consequently set aside the same.”

(Reproduced verbatim)

Heard Sri J.Prabhakar, learned Counsel for the petitioner, learned Government Pleader for Endowments appearing for respondent Nos.1 to 4 and Sri K.Jagan Mohan Reddy, learned Standing Counsel appearing for respondent No.5- Temple. Perused the material record.

The case and submissions of the petitioner are as follows:

Originally, the father of the petitioner was the founder-trustee of the 5th respondent-Temple; and, he died on 18.08.2016. However, till date, the official respondents have

not finalised the orders regarding recognition of the petitioner as the representative of the founder-trustee inspite of his requests. While so, show cause notice, dated 13.02.2016, was issued to the petitioner by the 2nd respondent. The petitioner submitted an explanation on 08.03.2016. As no action was taken thereafter, he filed WP.No.17614 of 2017 before this Court. The said Writ Petition was disposed of, on 06.06.2017, directing the 2nd respondent to consider the explanation submitted by the petitioner and pass appropriate order thereon in accordance with law. Though the said Order was passed in June, 2017, so far there is no progress in the matter. While so, the impugned notice, dated 11.07.2017, was issued by the 5th respondent. Aggrieved thereby, the petitioner approached this Court by filing the present Writ Petition.

The learned Counsel for the petitioner would submit that the petitioner is prepared to offer his explanation to the impugned notice also, and that the official respondents 2 and 5 may be directed to proceed in the matter after deciding between them as to who among them as to whether the 2nd respondent or the 5th respondent would proceed with the

enquiry against the petitioner pursuant to the aforementioned two show cause notices.

The learned Standing Counsel for respondent No.5-Temple, on instructions, would submit that the first notice was issued, by the 2nd respondent, under Section 28 of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987, whereas the impugned notice was issued, by the 5th respondent, under Section 29 of the said Act. In reply to the submission of the learned Counsel for the petitioner regarding the authority concerned that would proceed with the enquiry, the learned Standing Counsel would submit that the 2nd respondent would proceed with the enquiry pursuant to the two show cause notices in accordance with the procedure prescribed by law.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the petitioner to submit his explanation to the show cause notice, dated 09-11-2017, within three weeks before the 2nd respondent, by marking a copy thereof to the 5th respondent. And, it is further directed that the 2nd respondent shall proceed with the enquiry pursuant to the show cause notices, dated 13.02.2016 and 09.11.2017, consider the earlier explanation, dated

08-03-2016, and also the explanation proposed to be submitted by the petitioner, afford an opportunity of hearing to the petitioner and pass appropriate order thereon in accordance with law within four weeks from the date of receipt of the said explanation from the petitioner. The 2nd respondent shall communicate the decision taken in the matter to the petitioner within a week thereafter.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

Dt: 29th November, 2017
lur


(M.Seetharama Murthi, J)