

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 623 OF 2016

ORDER:

The brief facts, which lead to filing of Writ Petition No.7242 of 2016, are as follows:

The third respondent – Deputy Commissioner, Endowments Department, State of Telangana, Hyderabad, issued proceedings, dated 17.07.2004, classifying the petitioner temple under Section 6(c)(ii) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short 'the Act') and the same was published in the Gazette on 05.08.2004. Aggrieved by the same, Sri Bala Kistaiah, Founder and Managing Trustee of the petitioner temple filed Writ Petition No.19548 of 2005 mainly contending that he was neither issued notice nor afforded opportunity before issuing such proceedings. Further, the Division Bench of this Court passed common order, dated 29.10.2015, in W.P.Nos.6050 of 2003, 19548 of 2005 and 7268 of 2013, giving four weeks time to the petitioner to file representation, directing the third respondent to consider and dispose of such representation within a period of three months thereafter and ordering continuation of the interim orders passed earlier in the writ petitions till the third respondent passes orders on the representation that may be filed by the petitioner. In pursuance of the same, the petitioner temple filed objections before the third respondent. Thereupon, the third respondent through proceedings, dated 07.01.2016 simply closed the same

holding that the petitioner temple was classified and published under Section 6(c) (ii) of the Act and that it is the Commissioner, who is competent to decide the issue whether it is a public temple or a private temple. Consequently, the seventh respondent - Special Deputy Collector (LPC) and Deputy Commissioner(S)(FAC), Office of the Commissioner, Endowments Department, Hyderabad, issued proceedings, dated 27.02.2016, directing Sri G. Narender Reddy, Executive Officer Grade-III, to assume charge of the petitioner temple, and requesting the third and fourth respondents to implement the order, dated 07.01.2016, without any deviation. Aggrieved by the said proceedings, the petitioner temple filed the present Writ Petition.

On 04.03.2016, this Court passed an order directing the parties to maintain *status quo* existing as on that date in all respects.

Questioning non-implementation of the said order, this Contempt Case is filed.

Smt. D. Pramada, learned counsel for the respondent, curiously tracing the history of the litigation, submits that the petitioner is registered under Section 6 (c) (ii) of the Act as far back as on 17.07.2004 and the same was published in the Gazette on 05.08.2004; that the petitioner filed W.P.No.6050 of 2003 challenging the proceedings, dated 27.03.2003 issued by the Assistant Commissioner of Endowments Department,

Nalgonda District, appointing the Person In Management to the petitioner and on 17.04.2003, this Court initially, granted interim stay of the said proceedings and thereafter, the said interim order was modified in WVMP.No.3789 of 2003 observing that the interim order shall not come in the way of the Government notifying the petitioner temple under Section 6 of the Act; that the petitioner filed W.P.No.19548 of 2005 challenging the proceedings, dated 17.07.2004, issued by the second and third respondents and the notification, dated 12.01.2006, issued calling for applications for appointment of Trustees to the petitioner temple; that the petitioner temple filed yet another W.P.No.3519 of 2006 challenging the proceedings, dated 12.01.2006, calling for applications for constitution of Trust Board to the petitioner temple and this Court by observing that the said writ petition was filed by the petitioner temple, represented by Sri Thotakuri Bala Kistaiah, describing himself as its Founder and Managing Trustee, held that it is not maintainable and thereby, dismissed the same, and W.A.No.278 of 2009 was filed against it and was dismissed as withdrawn and the Division Bench of this Court granted liberty to the petitioner temple to file appropriate application in W.P.No.19548 of 2005 for amendment; that the petitioner temple filed yet another W.P.No.7268 of 2013 challenging the proceedings, dated 28.02.2013, calling for applications from the interested persons for appointment of non-hereditary Trust Board; that the Division Bench of this Court by common order, dated 29.10.2015, disposed of W.P.Nos.6050

of 2003, 19548 of 2005 and 7268 of 2013 giving liberty to the petitioner to file an application before the third respondent and directing the latter to consider the same; that thereafter, pursuant to the proceedings, dated 27.02.2016, the Executive Officer had taken charge on 01.03.2016 and on the same day, the Hundi came to be erected and as the Hundi became full, it had become necessary to open the same in the presence of the Divisional Inspector, Bhuvanagiri, and a total sum of Rs.71,694/- was found and the same came to be deposited in the account of the temple viz. APGVP A/C. No.173116657464 and that cameras were directed to be installed so as to maintain transparency at the instance of the Executive Officer. She also submits that though the Hundi was opened after passing of the order of status quo, there is no violation of the same as it was done in the interest of the petitioner temple.

Having considered the respective submissions and having perused the material papers available on record, it may be noted that pursuant to the proceedings, dated 27.02.2016, the Executive Officer came to be appointed as an Officer of the Temple and he is required to discharge his functions as entrusted to him under the Act. Accordingly, as the Hundi became full, it was opened on 30.03.2016 in the presence of the Divisional Inspector, Bhuvanagiri, and the amount was deposited in the bank account of the temple, as evident from the material papers appended to the counter-affidavit filed by the respondent. In the circumstances, it is clear that opening of the Hundi was done in a

transparent manner, as such, the same cannot be found fault with and cannot be termed as violation of the *status quo* order, which would only with regard to the status existing as on that date with respect to the rights of the parties.

The contempt case is accordingly dismissed.

Consequently, miscellaneous applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:05.12.2018

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