

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.25871 OF 2008

Dated:08.03.2018

Between:

Dodda Venkata Ratnam and Tripuramallu
Gurunadham Chowltry, R.Agraharam,
Guntur, rep., by its founder family member
Tripuramallu Radhakrishna Murthy,
S/o. Venkataratnam, aged about 76 years,
Chowtra, Guntur

.. Petitioner

And

State of Andhra Pradesh, rep., by its
Principal Secretary to Government,
Revenue (Endowments-I) Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. This Writ Petition is filed to declare the action of the Deputy Commissioner, Endowments Department, Guntur District, in appointing the 5th respondent as the trustee of the petitioner - Choultry, as illegal and contrary to the orders of the Government in G.O.Ms.No.1098 dated 11.09.2008, and sought for consequential direction that the trustee so appointed cannot interfere with the management of the petitioner – Choultry.

3. This Court, by order dated 26.11.2008, granted interim direction to the respondents not to interfere with the peaceful possession, enjoyment and management of the petitioner – Choultry and the said direction is in operation.

4. Learned counsel for the petitioner submits that pursuant to the interim order dated 26.11.2008, the trustee has not taken charge.

5. Learned Government Pleader for Endowments points out that the cause in the Writ Petition does not survive. The trustee was appointed in exercise of power under Section 15 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act') and as per the provision in Section 17 (2) of the Act, every trustee appointed under Section 15 of the Act shall hold office for a period of two years. In the light of the same, the term of trustee, who was

appointed on 29.08.2008, lapsed in the year 2010 itself and therefore the said proceedings are no more valid and no further steps are taken.

6. In view of the fair submission, as the trustee ceased to be in office on account of completion of his tenure, the question of his continuing to be a trustee of the petitioner – Choultry does not arise.

7. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

Date:08.03.2018
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P. NAVEEN RAO, J

