

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

Writ Petition No.5976 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Fisheries for Endowments for respondents 1 and 2 and learned counsel for the respondent No.3-temple before ordering notice to the unofficial respondents 4 and 5 and perused the grounds in the Writ Petition with supporting affidavit and the earlier order passed by this Court in W.P.No.30341 of 2016, dt.13.10.2016 in directing the Endowments Tribunal to dispose of the pending O.A.No.34 of 2016 as expeditiously as possible.

The present prayer in the writ petition is to direct the Endowments Tribunal-R.1 to dispose of the O.A.No.34 of 2016 within a time bound.

Rule 3 of the Amended Rules of AP Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2009 (for short, 'the Rules') covered by G.O.Ms.No.419, Rev.(Endowments-I), dt.09.11.2015 to the original Rule to the G.O.Ms.No.18, Rev.(Endowments-I),dt.28.02.2011 specifies clearly on notwithstanding anything in these rules, as “ *i) whenever there is a vacancy of a Chairman, the existing Member will act as Chairman and competent to hear arguments in the application and pass appropriate orders including the decree as described in the Act and relevant Rules*”. In view of the enabling provision, the member who is acting as a Chairman by virtue of the Rule is competent to decide the O.A.34 of 2016. Thereby the Endowment Tribunal headed by Acting chairman by virtue of this order, is directed to dispose of the O.A. 34 of 2016 preferably by the end of April on merits.

8. Accordingly and in the result, the Writ Petition is disposed of.
Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 23.02.2018
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