

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.1243 OF 2016

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.T.V.Kalyan Singh, holding for Mr.K.Anoop Kumar, counsel for appellant, learned Government Pleader (Endowments) for respondents 1 and 2 and learned Standing Counsel for Endowments for respondent No.3

2. The writ appeal is directed against the order dated 19.09.2014 in W.P.No.3258 of 2010. The writ petitioner is the appellant.

3. The appellant prayed for Mandamus declaring G.O.Ms.No.881 dated 19.08.2003 issued by 1st respondent as illegal and contrary to the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). The 1st respondent, through the Government Order impugned in the writ petition, made under Section 80 of the Act, accorded permission to sell two hectares of land in Sy.No.91/1 of Degloor Road, Nanded Town, Maharashtra State, belonging to Sri Gurukul Ghatkeshwar Trust/3rd respondent.

4. The principal challenge to the order impugned in the writ petition is that the 1st respondent cannot and could not sell the properties of a Charitable or Hindu Religious Institution except by way of public auction. The learned Single Judge examined the locus of petitioner and rejected the writ prayer. At this juncture, it is contextual to refer to how the appellant as a person interested

in respondent No.3 and its properties at Nanded filed W.P.No.3258 of 2010. The appellant alleges that Sri Gurukul Ghatkeshwar Trust, through its Chairman B.Kishan Lal, appointed one Laxmikant Shankar Rao Gone, s/o Shankar Rao as registered GPA holder of Sri Gurukul Ghatkeshwar Trust through document No.2270 of 1994 dated 19.11.1994 to manage the property at Nanded. The appellant claims as a lessee of an extent of 6793.4 sq. mts through GPA Laxmikant Shankar Rao Gone. The challenge to Government Order is after a lapse of 7 years from the date of issuance of the order. The appellant in the challenge canvasses both personal claim and that the Government Order does not conform to Section 80 of the Act. It is in this background the learned Single Judge examined the locus of appellant and by taking note of the consideration of legality of general power of attorney executed by the then Chairman B.Kishan Lal of Sri Gurukul Ghatkeshwar Trust/3rd respondent held that the appellant cannot be allowed to challenge the Government Order for espousing his personal interest. The order under appeal takes note of the details furnished by the fit person of Sri Gurukul Ghatkeshwar Trust viz., that the alienation is in favour of Maharashtra Khadi Gramodyog Samithi/4th respondent herein, which is again a charitable institution and declined to interfere with the impugned Government Order.

5. After perusing the record, we are convinced that the reasons recorded by the learned Single Judge are correct and no exception is pointed out by the appellant against these findings. The general power of attorney relied on by the appellant is not recognized by the Courts in earlier rounds of litigations concerning trust

properties. Therefore, the appellant under such doubtful authority cannot be permitted to challenge the Government Order.

6. We are convinced that the appeal is without merit and fails. The writ appeal is, accordingly, dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

16th August, 2018
Lrkm



S.V.BHATT, J