

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.Nos.24243 of 2007 and 21382 of 2012

COMMON ORDER

Since the similar issue is involved in both these writ petitions, they are being disposed of by this common order.

2. Both the writ petitions are filed seeking to declare the action of the respondents in utilizing the premises adjacent to Badrakali temple, Warangal, for various purposes other than one for which the amounts were collected by way of donation, as illegal and arbitrary.

3. The controversy in the writ petitions is with regard to non-payment of the lease rentals by the Endowments Department for its usage of part of the building belonging to Bhadrakali temple, Warangal.

4. When the matters came up for hearing on 28.06.2018, it was submitted on behalf of the 4th respondent-Executive Officer of the temple that the Assistant Commissioner, who occupied the premises, had vacated the same in August, 2017. Noticing that the counter-affidavit is silent with regard to payment of lease rentals, this Court directed the Commissioner to file an affidavit clearly setting out the amounts paid to the temple along with details on or before 09.07.2018. Subsequently, on 09.07.2018, when the matter was taken up, time was sought for filing the affidavit.

5. On 13.07.2018, the third respondent-Deputy Commissioner filed affidavit stating that the Endowments Department was in occupation of the premises of Devasthanam building from December 2007 and vacated on 02.08.2017. It is further stated that the lease rentals for the said period were regularly paid to the Devasthanam by way of challan, demand draft and online as per the demand fixed by the Devasthanam and that on the date when they vacated the building of Devasthanam, there are no rental arrears to be paid by the Endowments Department. It is further stated that the statement showing the details of rents paid by the Office of the Deputy Commissioner, Endowments Department, Warangal zone and the Office of the Assistant Commissioner to the Devasthanam is enclosed to the affidavit. The said statement discloses that the last payment was made on 04.09.2017 for the month of July, 2017. However, learned counsel for the petitioner has placed before this Court the demand notice dated 09.07.2018 issued by the Executive Officer-Assistant Commissioner, Bhadrakali Temple, wherein it is mentioned that a sum of Rs.2,97,250 /- out of Rs.5,89,375/- was paid and the remaining amount of Rs.2,92,125/- is due and payable by the Endowments Department. Likewise, a sum of Rs.4,43,100/- and also a sum of Rs.1,49,569/- is due and payable by the Endowments Department.

6. Taking into consideration the affidavit filed by the deputy Commissioner and the demands raised by the Executive Officer, the second respondent is directed to ensure that the rental amounts, if

any due and payable, shall be paid within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, both the Writ Petitions are disposed of. No order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

CHALLA KODANDA RAM, J

23rd July, 2018

sj

