

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.2123 OF 2009

ORDER:

This Writ Petition is filed to declare the non-consideration of the petitioner's Memorandum dated 25.09.2008 and attempting to appoint certain indifferent persons as members, as unjust, unfair and violative of Articles 14, 19 and 21 of the Constitution of India. A consequential direction was sought to declare the petitioner as the Founder Family Member/Chairman of the Institutions.

When the Writ Petition came up for admission, this Court granted interim direction on 06.02.2009 in W.P.M.P.No.2691 of 2009 to consider the memorandum of the petitioner dated 25.09.2008.

A memo dated 21.02.2009 has been filed by the learned Government Pleader for Endowments stating that the memorandum of the petitioner is already disposed of vide proceedings dated 21.02.2009, which reads as under.

“Heard the Advocate for the petitioner. The contents of the memorandum dated 25.9.2008 are examined. As prayed for, the request of the petitioner is considered, and the Deputy Commissioner, Endowments Dept., Kakinada, who is the competent authority u/s 87 of the Act 30/87, is hereby directed to take petition on file and dispose it as per merits within 45 days for all the above 10 institutions. With this, the memorandum dated 25.9.2009 of the petitioner is disposed of.”

Learned counsel for the petitioner submits that the powers under Section 87 of the Act 30 of 1987 are vested with the

Endowments Tribunal and that the Endowments Tribunal may be directed to dispose of the application, as expeditiously as possible.

In view of the submission made by the learned counsel for the petitioner, the Writ Petition is disposed of giving liberty to the petitioner to file an application under Section 87 of the Endowments Act before the Endowments Tribunal and, if any such application is filed, the Tribunal is directed to dispose of the same, as expeditiously as possible, in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(KONGARA VIJAYA LAKSHMI, J)

13th November 2018
RRB

