

THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 15212 OF 2009

ORDER:

This Writ Petition is filed to declare the action of respondent No. 1 in issuing proceedings dated 22-07-2009 asking respondent No. 2 to take full additional charge of Sri Sitarama Swamy Temple, Kakinada, in place of the petitioner as illegal and arbitrary.

2. The case of the petitioner is that he is the managing trustee of Sri Sitarama Swamy Temple, Kakinada; that his ancestors donated land and required money for construction of the temple; that since then, his family members are managing the affairs of the said temple by constituting a board consisting of his brothers; that the board of trustees requested respondent No. 1 to accord permission to construct shopping complex and accordingly, respondent No. 1 granted permission on 05-06-2008; that while so, respondent No. 1 issued the impugned proceedings stating that the local M.L.A. addressed a letter to the effect that respondent No. 2 is to be appointed and given full additional charge of the temple; that the letter of the local M.L.A. is the basis for issuing the impugned proceedings and there is no whisper or allegation against the functioning of the temple and that the petitioner is entitled to a notice under Section 28 of the Endowments Act before issuing the impugned proceedings.

3. This Court by order dated 29-07-2009 granted *interim* suspension of the impugned proceedings until further orders.

4. Counter affidavit has been filed by respondent No. 1 denying all the material allegations *inter alia* contending that Sri Sitarama Swamy Temple, Kakinada, is now under his administrative control and hence, question of issuing notice under Section 28 of the Endowments Act does not arise at all.

5. Heard learned counsel for the petitioner and learned counsel for respondent No. 1.

6. As the main contention of learned counsel for the petitioner is that the impugned proceedings have been issued without any notice whatsoever, respondent No. 1 is permitted to give fresh notice to the petitioner and pass appropriate orders in accordance with law. As the impugned proceedings are suspended on 29-07-2009, the respondents are directed to maintain *status quo* so far as the petitioner is concerned till orders are passed pursuant to the notice that will be issued to the petitioner.

7. The Writ Petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J.

08-11-2018

JSK