

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.25707 of 2009

ORDER:

This writ petition is filed to declare the proceedings of the 1st respondent bearing Rc.No.G2/47746/2009-1 dated 17.11.2009 deciding to continue the affairs of the 2nd respondent temple contrary to the entries in the Register of Institution and Endowments under Sec.43 of Andhra Pradesh Charitable & Hindu Religious Institutions & Endowments Act, 1987 (for short, Act 30 of 1987) as illegal and arbitrary.

The case of the petitioner is that the 2nd respondent temple was established in the year 1954 at Singarayapalem of Mudinepalli Mandal, Krishna District; initially the said institution was registered under Section 38 with the 1st respondent under Act. 17 of 1966 and thereafter it was registered under Section 43 of Act 30 of 1987; the officials of the Endowments Department, who were appointed by the 1st respondent as person-in-charge or Assistant Commissioner, are changing the name of the 2nd respondent temple by adding Chevurupalem Centre so as to help some persons of Chevurupalem village to participate in the management of the affairs of the 2nd respondent temple; the

petitioner Gram Panchayat made a representation on 6.12.2007 to the 1st respondent requesting to look into the matter; when no steps were taken by the 1st respondent; the petitioner filed WP.No.22002 of 2009 and the said writ petition was disposed of on 14.10.2009 directing the 1st respondent to consider the representation and dispose of the same; pursuant to the said order in the writ petition, the impugned proceedings dated 17.11.2009 were issued informing “that a stand has been taken to continue the previous (i.e. Singarayapalem, Chevurupalem centre) practice in vogue”. Hence, the writ petition.

Counter affidavit has been filed on behalf of the Commissioner of Endowments admitting that the name of Singarayapalem is shown in the register maintained under Section 38 of the Act and also under Section 43 of Act 30 of 1987; it was mentioned in Column 10 of the register that various residents of both the villagers, as well as proprietor of Sri Pandarinath Rice Mill, contributed for construction of the temple; Sri Anamdasu Pichaiah of the Chevurupalem donated the Utsav Vighrams; the Executive Officer is justified in printing the name of both the villages in the invitation cards.

Heard the learned counsel for the petitioner, learned Government Pleader for Endowments and Ms. Lalitha, learned Standing Counsel for the 2nd respondent.

As seen from the impugned order, the impugned order merely states that a stand is taken to continue the names of both the villages. The impugned order does not contain any reasons. Hence, the matter is remanded back to the 1st respondent to consider the representation of the petitioner afresh after giving opportunity of hearing to the petitioner and other concerned persons and pass appropriate orders thereon afresh in accordance with law.

The Writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



KONGARA VIJAYA LAKSHMI, J

Date: 14/11/2018
lkv