

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12426 of 2006

ORDER:

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of respondents in taking over the administration of Sri Gangasameta Sri Koteswara Swami Devasthanam, Peddaullagallu Village, Mundamuru Mandal, Prakasham District as arbitrary and illegal and consequently directing the respondents not to interfere with the affairs of the said temple.

Heard Sri K.S.Murthy, learned counsel for the petitioner and learned Government Pleader for Endowments.

It has been contended by the learned counsel for the petitioner that Sri Gangasameta Sri Koteswara Swami Devasthanam is an ancient temple and for the last six decades, the family members of the petitioner have been looking after the affairs of the temple. Prior to 1987, the petitioner was hereditary Trustee of the said temple and as per the Act 30 of 1987 hereditary Trustees were abolished. Now challenging the taking over of the temple by the Endowments Department, the petitioner has filed the present writ petition. It is further contended by the counsel for the petitioner that he has submitted representation on 20-06-2006 to the 1st respondent atleast to include his name as founder family member in the Trust Board.

Learned Government Pleader for Endowments has contended that when there was abolition of hereditary trustees, the question of continuation of the petitioner as Trustee does not arise. He further contended that the temple in question is not a registered temple and the petitioner cannot challenge the taking over of the administration of affairs of the said temple by the Endowments Department.

This Court, having considered the rival submissions made by the parties, deems it appropriate to direct the petitioner to give representation to the respondents for inclusion of his name as founder family member in Trust Board within two weeks from the date of receipt of a copy of this order.

Accordingly, the petitioner is directed to make a representation to the respondents for inclusion of his name as founder family member in the Trust Board, within two weeks from the date of receipt of a copy of this order. On such representation being filed, the respondents shall consider and pass appropriate orders for inclusion of his name in the Trust Board as founder family member in terms of Section 17 of the Act by duly taking into account the merits of the claim of the petitioner that he is a founder family member of the institution, within eight weeks from the date of receipt of such representation.

With the above observations, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

12-04-2018
Nvl

