

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4838 OF 2004

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in issuing notice dated 4.2.2004 to handover the management of the petitioner-temple as illegal, arbitrary and without jurisdiction.

Heard Sri M.Vidya Sagar, learned counsel for the petitioner and learned Government Pleader for Endowments appearing for the 1st respondent and Sri Srikanth Reddy, learned Standing Counsel appearing for the 2nd respondent.

The petitioner-Sri Virupaksha Maremma Temple is being managed by a Society registered under the Societies Registration Act on 18.1.2001 vide Registration No.21 of 2000 and the Society is taking care of the management and affairs of the petitioner-temple. While the matter stood thus, the 1st respondent had issued a notification bringing the petitioner temple under the purview of the Endowments Act.

Learned counsel for the petitioner submits that the impugned notification is defective as in the said notification only Maremma temple situated at Malupatla is notified, but not the petitioner-temple which is situated at Nagapalyam, D.No.24-112, Punganur Town, Chittoor District. He further submits that the petitioner-temple is known as Sri Virupaksha Maremma Temple, but not Maremma temple and hence, the action of the 2nd respondent in issuing the notification to hand over the records of the said temple is arbitrary and illegal and without there being proper notification under the Endowments Act.

Learned Government Pleader as well as learned Standing Counsel appearing for the respondents 1 and 2 contends that Sri Virupaksha Maremma Temple and Maremma Temple are one and the same as notified in the impugned notice and there is no such temple as Sri Virupaksha Maremma Temple as contended by the learned counsel for the petitioner and the 2nd respondent has rightly issued the notification which was published in the Gazettee on 10.09.1987 and therefore, no interference is

called for from this Court and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the notification, which was produced by the parties disclose that only Sri Maremma temple at Sl.No.1405 is set out and the area is also shown as Malupatla, but not the address given by the petitioner. The address given by the petitioner in respect of Sri Virupaksha Maremma Temple is situated at D.No.24-112, Nagapalyam, Punganur Town, Chittoor District. Therefore, this Court feels that the petitioner-temple was not the temple which was notified in the Gazette notification published by the 1st respondent and as long as the petitioner-temple was not notified, the official respondents cannot take over the temple and bring the petitioner temple under the purview of the Act 30 of 1987.

However, if the official respondents intend to bring the petitioner-temple within the purview of Act 30 of 1987, they are at liberty to do so, after following due process of law and publication in the official Gazettee.

With these observations, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

21st March, 2018
rkk

