

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND**

HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.1047 OF 2018

&

WRIT PETITION No.26821 OF 2018

COMMON JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

Captioned writ appeal comes up in the light of the pendency of the writ petition with interlocutory order therein.

2. We have heard the learned counsel for the appellant in the writ appeal and the petitioners in the writ petition as well as learned counsel appearing for Devasthanam. We have also heard the learned Government Pleader for Endowments.

3. Issues relating to the festival in the temple in question came up for consideration. The substance of the writ appeal was dealt with through the interlocutory order issued on 02.08.2018 by the Division Bench. That order reads as follows:

“Mr. S.S. Bhatt, learned counsel takes notice for respondents 1 & 2.

Learned G.P. for Endowments takes notice for respondents 3 to 6.

Mr. A. Sreekanth Reddy, learned counsel takes notice for 7th respondent.

Heard the learned counsel for the applicant-proposed appellant and the learned counsel for the writ petitioners.

The challenge of the writ petitioners, husband and wife, before the learned Single Judge was that the Commissioner had invited applications for trusteeship for the Sri Subrahmanya Swamy Devasthanam for which purpose a notice was issued on 23.07.2018 and that the writ petitioners had submitted their applications on 28.07.2018; however that, on 27.07.2018 a Committee was appointed conferring on them the powers of Trustees under Section 18 of the A.P. Charitable And Hindu Religious Institutions & Endowments Act, 1987. The learned Single

Judge passed an order of interim suspension of the operation of those proceedings.

Adverting to Memo dated 27.07.2018, which was challenged before a learned Single Judge, it can be noticed, *ex facie*, that no powers of trustees are conferred on the Committee constituted as per that Memo. The Committee of 7 persons was constituted as per Memo dated 27.07.2018 in connection with the conduct of the Adikrutika Bhrahmotsavams 2018 in the subject Temple. The Executive Officer, who is the 5th respondent before us was directed by the Deputy Commissioner to utilise the services of those members for the purpose of those Brahmsavams from 02.08.2018 to 06.08.2018.

The Clarification given by the Deputy Commissioner that the persons enlisted in that Memo have the qualifications under Section 18 of the Endowments Act, 1987 is not of any impact on the issue because the persons enlisted in that Memo are not appointed as trustees.

For the aforesaid reasons the operation of the order impugned in this writ appeal, as issued by the learned Single Judge, will stand suspended until further orders.

The 5th respondent Executive Officer is directed to utilize the provisions made by the Deputy Commissioner through the constitution of the aforementioned Committee by treating that Committee as one only for the purpose of conducting the Adikrutika Bhrahmotsavams 2018 in the temple and further ensuring that such activities shall be under the strict control and supervision of the 5th respondent. If there is any personal ground on which any particular person is not to be permitted to participate in any of the rituals, that is also a matter which would be within the domain of the 5th respondent Executive Officer to consider.

List this writ appeal on 08.08.2018 on the top of the list along with W.P.No.26821 of 2018".

4. In the light of the aforesaid interlocutory order, we need to note that with the passage of time, the festival has come to an end and the Devasthanam has taken the stand that the festival was carried out appropriately. We record the submission. Nothing survives in the writ appeal and the same is, accordingly, closed.

5. In the light of the aforesaid, nothing further survives in the writ petition. We close the said writ petition as well, however, clarifying that any application by the writ petitioners,

pending consideration before the competent authority, among the respondents, will be dealt with in accordance with law.

6. Therefore, in the light of the above, the Commissioner (Endowments) is directed to take appropriate decision in the best interest of the Devasthanam for the appointment of duly constituted trustees in accordance with law. This shall be done within the outer limit of three months from the date of receipt of a copy of this judgment. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

13th August, 2018
Lrkm/Stp