

THE HONOURABLE SRI JUSTICE A. V. SESA SAI

WRIT PETITION No.31173 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Endowments appearing for the respondents.

A notice bearing RC.No.B1/ 4780/ 2018/ Adm, dated 09.08.2018, issued by the Deputy Commissioner of Endowments, Kurnool, inviting applications for Trusteeship, is under challenge in the present writ petition.

The principal contention advanced in the present writ petition is that since the income of the temple does not exceed Rs.2,00,000/-, Trust Board cannot be appointed. The said contention, in the considered opinion of this Court, cannot be sustained in view of the express provisions of Section 15 of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short 'the Act').

Section 15 (2) of the Act reads as under:

“Where the income of the institution is between Rs.2.00 lakhs to Rs.25 lakhs per annum, the Commissioner shall appoint a Board of Trustees consisting of seven persons and where the income of the institutions is less than Rs.2 lakhs per annum, the Deputy Commissioner concerned may constitute a Board of Trustees consisting of five persons in respect of each such temple keeping in view the traditions, sampradayams and wishes of the devotees:

Provided that the Deputy Commissioner may either in the interest of the institution or endowment or any other sufficient cause or for reasons to be recorded in writing appoint a single trustee instead of a Board of Trustees:

Provided further that in the case of a religious institution, the Archaka or where there is more than one Archaka, the

Pradhana Archaka thereof shall be an ex-officio member of the Trust Board notwithstanding clause (g) of sub-section (1) of Section 19:

Provided also that where the Board of Trustees is not constituted for any reason, the recognized Founder or Member of the Founder's Family shall discharge the functions of the Board of trustees till a new Board of Trustees is constituted:

Provided also that where there is no Executive Officer or Founder Family member to any institution or where the Government or the authority competent to constitute a Trust Board has not constituted the Trust Board within the period specified under this sub-section, the Commissioner shall make such arrangement as he deems fit to look after the affairs of the institution during the interregnum period between the date of expiry of the terms of the Trust Board and constitution of the new Trust Board:

Provided also that two members of the Board of Trustees shall be prominent persons with a long track record of Philanthropy and support to Hindu Religious Institutions."

It is very much clear from a reading of the above provision of law that wherever income of the institution is less than Rs.2,00,000/-, it is open for the Deputy Commissioner to constitute a Board of Trustees consisting of five members. Therefore, this Court does not find any merit in the present writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A. V. SESA SAI

30.08.2018

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