

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.41110 OF 2018

ORDER:

The present writ petition came to be filed seeking a direction to set aside the order dated 12.10.2018, passed by the 2nd respondent in Form-I notice constituting the Committee without considering the petitioner's candidature as founder member as hereditary trustee to Sri Polipalli Pydithalli Ammavari Temple at Rajam as Sl.No.13, mentioned in the annexure as the same is illegal and arbitrary.

The grievance of the petitioner appears to be that his predecessors built and developed the "Sri Polipalli Pydithalli Ammavari Temple", Rajam, Srikakulam District and since the date of construction of the temple all the pujas and ceremonies are being performed by the petitioner's ancestors. It is said that even after the Endowment department took over the 5th respondent temple, the petitioner's family members have been continuing as hereditary trustees and performing their duties in the temple. While things stood this, the impugned proceedings came to be issued. It is said that the petitioner approached the authorities and requested to include his name as a member of the "Board of Trustee", but the authorities are refusing to do so. Hence, the present writ petition.

Learned Government Pleader for Endowments would submit that no steps are being taken to include or exclude the name of the petitioner from the Members of the Board of Trustees and that the writ petition is premature.

A perusal of the proceedings dated 12.10.2018 would show that under Rule 4(1), a notification came to be issued stating that any person interested to be a member of the "Board of Trustee" shall send his application in the prescribed Form-I, within a period of twenty

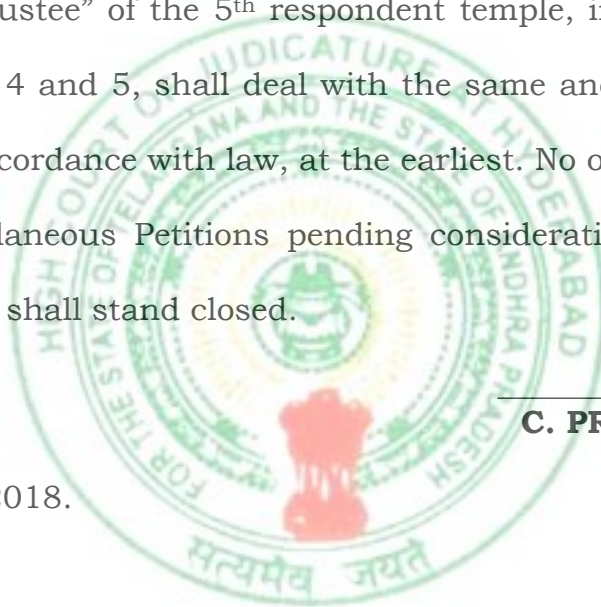
days from the date of notification, to the Assistant Commissioner, Endowment Department, Srikakulam. From the above, it is clear that except issuing Form-I, as required under Section 15 of the Act, 30 of 1987, nothing more has happened. No “Board” was constituted nor any proceedings issued rejecting the application of the petitioner. It is clear that the writ petition filed by the petitioner is a premature and no relief can be granted to the petitioner, at this stage.

Accordingly, the writ petition is dismissed. However, the petitioner is always at liberty to make an application to the respondents 4 and 5 seeking to include him as a Member in the “Board of Trustee” of the 5th respondent temple, in which event, the respondents 4 and 5, shall deal with the same and pass appropriate orders, in accordance with law, at the earliest. No order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

Date:15.11.2018.
Gk

C. PRAVEEN KUMAR,J



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