

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 44930 of 2018

Date : 12.12.2018

Between:

Devanga Charitable Trust D No 7321 Gram Panchayat road
Opp Syndicate Bank Uravakonda Village Anantapuramu
District Rep by its Managing Trustee Kotha Sreenivasulu S/o
Late K Yerri Swamy aged about 50 years Occ Business
Resident of D No 7321 Uravakonda Village and Mandal
Anantapuramu District

Petitioner

And

The State of Andhra Pradesh
rep by its Principal Secretary Panchayat Raj and Rural
Development Department Secretariat Buildings Velagapudi
Amaravathi Guntur District & others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 44930 of 2018

ORAL ORDER:

According to petitioner, his father late K.Yerri Swamy was an Ex-Serviceman, he was allotted land to an extent of Ac.0.60 cents lying on the foot of the hillock known as Uragadri Parvatam in Uravakonda village. Subsequently on said land a temple was constructed and adjacent to temple certain facilities are provided for the devotees to conduct various poojas and functions. According to petitioner, he formed a trust and trust is regulating the functions and various activities in the subject premises.

2. It appears, the unofficial respondents who are no-way concerned with the trust are seeking to interfere with the day today activities of the trust and with the properties of the trust, therefore, the trust filed O.S. No.106 of 2018 on the file of the Principal Junior Civil Judge, Uravakonda praying to grant permanent injunction restraining the unofficial respondents from interfering with the activities of the trust. The said suit is pending consideration. While so, alleging that Gram Panchayat and Village Revenue Officer are interfering with the private property of the petitioner trust and demanding to handover the property, this writ petition is filed.

3. According to learned counsel for petitioner, the assignment granted to the father of the petitioner is not cancelled; that petitioner developed the property and the same is being utilized for religious purposes and the Gram Panchayat has passed a resolution permitting the petitioner to develop the property for religious purposes. That being so, it is not stated as to why the Panchayat Secretary and the Village Revenue Officer would interfere in the internal affairs of the trust, when the affairs of the trust were regulated by validly constituted trust. On

the one hand petitioner alleges that respondents 4 and 5 are interfering, but petitioner also impleaded respondents 6 to 8 who are private parties. As noted above, against alleged interference by respondents 6 to 8, petitioner filed O.S. No. 106 of 2018 and the same is pending on the file of the Principal Junior Civil Judge, Uravakonda. In other words, indirectly petitioner is seeking a direction to restrain the unofficial respondents under the guise of seeking direction to respondents 4 and 5. As no material is placed on record to show that respondents 4 and 5 are illegally interfering with the affairs of the petitioner trust, the Court is not inclined to entertain the writ petition. If what is contended by the petitioner is true, it is open to the petitioner to lodge a complaint with the District Panchayat Officer alleging illegal interference by the Panchayat Secretary and Village Revenue Officer. Granting said liberty, writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

DATE:12-12-2018
TVK

P NAVEEN RAO,J



HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No. 44930 of 2018

Date : 12.12.2018