

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1895 of 2020

ORDER:

Heard the learned counsel for the petitioner trust as well as the learned Government Pleader appearing for respondents 1 to 3.

2. The prayer sought in the writ petition is as under:

'For the reasons stated above, Petitioners prays that this Honourable Court in the interest of justice, be pleased to issue an order or direction more particularly one in the nature of Writ of MANDAMUS by declaring the action of the Respondent No.3 in not taking action on the representation dated 26-6-2018 submitted by the Petitioner Trust to take action against the illegal acts of Respondent No.4 and to remove him from the alleged post of Archaka/poojari and also in registering the Dada Dev Nayak temple with the Endowments Department vide Proceedings in R.Dis.No. B/2897/2017 dated 19-6-2018 on the application of the Respondent No.4 without he being member of the founder family of Dada Deva Deval and without complying with the requirements for registration of the temple as per Sec 43 of the Endowments Act 1987 as illegal arbitrary and violative of Art.14, 21 and 300-A of the Constitution of India; and Consequentially direct the Respondent No.3 to cancel and withdraw the proceedings in R.Dis.No. B/2897/2017 dated 19-6-2018 issued in the name of Deva Nayak Temple represented by Respondent No 4 and pass such other and further orders as this Honourable Court may deem fit and proper in the circumstances of the case.'

3. The main grievance of the petitioner trust in the present writ petition is that the third respondent is not taking any action on the representation dated 26.06.2018 submitted by the petitioner trust against the illegal acts of the fourth respondent and to remove him from the post of archaka/poojari and also in registering Dada Dev Nayak temple with the

endowments department *vide* proceedings in R.Dis.No.B/2897/2017 dated 19.06.2018 on the application of the fourth respondent without he being a member of the founder family of Dada Deva Deval without complying with the requirements for registration of the temple as per Section 43 of the Endowments Act, 1987 as illegal and arbitrary.

4. Learned Government Pleader appearing for respondents 1 to 3 submits that the representation dated 26.06.2018 submitted by the petitioner trust will be considered in compliance with the procedure contemplated under the provisions of the Endowments Act, 1987 and appropriate orders will be passed.

5. Taking note of the said submission into consideration, the third respondent is directed to consider the representation dated 26.06.2018 submitted by the petitioner trust and pass appropriate orders after giving notice to the fourth respondent as per law within a period of four weeks from the date of receipt of a copy of the order.

6. With the above said direction, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date:30.01.2020

PGS