

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER, TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI ARUP KUMAR GOSWAMI, CHIEF JUSTICE
AND

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
W.P.(PIL).No. 201 of 2021

Between:

Kakumanu Lalith Kumar, S/o K Narasimha Rao, Occupation :- Founder of Hindu Jana Shakti Welfare Association, Aged 39 years, Flat No. 502, Sri Venkata Sai Heights, Plot No C 24, 25, Road No 6, Prashanthi Hills, Nizampet, K. V. Rangareddy District, Telangana-500090, Phone No. 9848040789, Aadhar Card No. 464991459145 A/c.00000020334712432, State Bank of India, PragathiNagar Branch, PAN No. DYQPK4699C.

...Petitioner.

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary to Government, 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
 2. The State of Andhra Pradesh, Rep. by its Principal Secretary Endowments Department, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
 3. Tirumala Tirupati Devasthanams, Rep. by its Executive Officer, TTD Administrative Building, K.T Road, Tirupathi. Chittoor District, Andhra Pradesh.
-Respondents.

WHEREAS the above named through his Advocate, Sri Umesh Chandra PVG, presented this Petition under Article 226 of the Constitution of India, in the circumstances stated in the Memo. of Grounds filed therein, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of Respondents in issuing impugned G.O. Rt.No 568 and G.O. Rt.No. 569 dated 15.09.2021 as illegal, arbitrary and ultra vires the Constitution of India and consequently quash or set aside impugned G.O. Rt.No 568 and G.O. Rt.No. 569 dated 15.09.2021 as violative of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act of 1987 and Articles 14 21 and 25 of the Constitution of India.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Advocate for the Petitioner Sri Umesh Chandra PVG, Advocate for petitioner and Sri S. Sri Ram, learned Advocate General for respondent Nos.1 and 2 and of Sri S.S. Prasad, learned Senior Counsel for respondent No.3, directed issue of notice to the Respondents herein returnable in four (4) weeks to show cause as to why this W.P.(PIL) should not be admitted.

You viz:

- 1.The Chief Secretary to Government, State of Andhra Pradesh, 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
- 2.The Principal Secretary, Endowments Department, State of Andhra Pradesh, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
- 3.The Executive Officer, Tirumala Tirupati Devasthanams, TTD Administrative Building, K.T Road, Tirupathi. Chittoor District, Andhra Pradesh.

are directed to show cause either appearing in person or through an advocate as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this W.P. (PIL) should not be admitted.

Contd..2...

I.A.No. 1 of 2021:-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased may be pleased to forthwith suspend the impugned G.O. Rt.No 568 and G.O. Rt.No. 569 dated 15.09.2021, pending disposal of W.P.(PIL) No. 201 of 2021, on the file of the High Court.

The Court made the following ORDER :-
(Through Video-Conferencing)

“Heard Mr. Umesh Chandra P.V.G., learned counsel for the petitioner.

Also heard Mr. S. Sri Ram, learned Advocate General, appearing for respondent Nos.1 and 2 and Mr. S. S. Prasad, learned Senior Counsel, appearing for respondent No.3.

Challenge made by the petitioner in this writ petition is identical to the one in W.P.(PIL) No.200 of 2021, wherein this Court has passed the following order.

“By an order dated 08.08.2021 vide G.O.Ms.No.213, Revenue (Endts.III) Department, Sri Y. V. Subba Reddy was appointed as Chairman, Tirumala Tirupathi Devasthanams Board. Thereafter, in continuation of the aforesaid order, vide G.O.Ms.No.245, dated 15.09.2021, in exercise of powers conferred under sub-section (1) of Section 96 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30 of 1987) (for short ‘the Act, 1987’) as amended, the Government of Andhra Pradesh appointed 28 members to the Tirumala Tirupati Devasthanams Board.

Mr. Y. Balaji has submitted that the aforesaid G.Os. have been issued in accordance with Section 96 (1) of the Act of 1987, as amended, which stipulates that the Tirumala Tirupati Devasthanams Board can consists not more than 29 members including Chairman.

The grievance expressed by the petitioner is that subsequently vide G.O.Rt.No.568 dated 15.09.2021, the Government nominated two persons as Special Invitees to the Tirumala Tirupati Devasthanams Board, for a period conterminous with the tenure of the Board with conditions that the Special Invitees will not have any voting right, while passing resolutions in the Board and that the Special Invitees will be given protocol on par with the Tirumala Tirupati Devasthanams Trust Board members. G.O.Rt.No.569 dated 15.09.2021 was also issued nominating 50 persons as Special Invitees to Tirumala Tirupati Devasthanams Board giving privileges on par with members of the Tirumala Tirupati Devasthanams Trust Board.

It is submitted by Mr. Y. Balaji that the aforesaid two G.Os. are illegal, arbitrary and they have been issued in violation of Section 96 of the Act of 1987.

Mr. S. Sri Ram submits that it is evident that Special Invitees are not members of the Board and therefore, there is no illegality in issuing the aforesaid impugned G.Os. He also submitted that there are previous instances of Special Invitees being nominated to the Board.

Mr. S. S. Prasad submits that since no representation was filed before approaching this Court, this Public Interest Litigation is liable to be dismissed.

Issue notice, returnable in four (4) weeks.

On due consideration, we are of the prima facie opinion that the orders in G.O.Rt.No.568, Revenue (Endts.III) Department, dt.15.09.2021 and G.O.Rt.No.569, Revenue (Endts.III) Department, dt. 15.09.2021 are not in accordance with Section 96 (1) of the Act of 1987, as there is no provision for Special Invitees in Section 96 of the Act and therefore, the impugned G.Os. shall remain suspended, until further orders."

Issue notice, returnable in four (4) weeks.

The orders in G.O.Rt.No.568, Revenue (Endts.III) Department, dt.15.09.2021 and G. O. Rt. No. 569, Revenue (Endts.III) Department, dt. 15.09.2021, shall remain suspended, until further orders.

List this case along with W.P.(PIL) No.200 of 2021."

//TRUE COPY//

Sd/-M.RameshBabu
ASSISTANT REGISTRAR
SECTION OFFICER

To

- 1.The Chief Secretary to Government, State of Andhra Pradesh, 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
- 2.The Principal Secretary, Endowments Department, State of Andhra Pradesh, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
- 3.The Executive Officer, Tirumala Tirupati Devasthanams, TTD Administrative Building, K.T Road, Tirupathi. Chittoor District, Andhra Pradesh. (Addressee Nos. 1 to 4 by RPAD along with a copy of Petition & Affidavit) —
- 4.Two CCs to the Advocate General, High Court of A.P., at Amaravati(OUT) —
- 5.One CC to Sri Umesh Chandra P.V.G., Advocate(OPUC) —
- 6.One CC to Sri S.S. Prasad, Senior Counsel(OPUC) —
- 7.Two Spare copies.

TKK

HIGH COURT

HCJ & NJS.J

DT.22-09-2021.

NOTICE BEFORE ADMISSION

W.P.(PIL).No. 201 of 2021.

INTERIM SUSPENSION

