

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE SIXTEENTH DAY OF AUGUST TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

IA No. 1 OF 2019

IN

WP NO: 17474 OF 2019



Between:

1. Teegala Yadi Reddy, S/o. Late Dhan Reddy, Aged about 70 years, Occ: Agriculture, R/o. Badangpet Village, Saroornagar Mandal, R. R. District.
2. Teegala Mahender Reddy, S/o. Late Ram Reddy, Aged about 38 years, Occ: Agriculture, R/o. Badangpet Village, Saroornagar Mandal, R. R. District.
3. Teegala Dayakar Reddy, S/o. Late Ram Reddy, Aged about 35 years, Occ: Agriculture, R/o. Badangpet Village, Saroornagar Mandal, R. R. District.
4. Teegala Chandra Reddy, S/o. Late Sathi Reddy, Aged about 57 years, Occ: Agriculture, R/o. Badangpet Village, Saroornagar Mandal, R. R. District.
5. Teegala Jagan Mohan Reddy, S/o. Late Sathi Reddy, Aged about 53 years, Occ: Agriculture, R/o. Badangpet Village, Saroornagar Mandal, R. R. District.
6. Teegala Goverdhan Reddy @ Gopal Reddy, S/o. Late Sathi Reddy, Aged about 50 years, Occ: Agriculture, R/o. Badangpet Village, Saroornagar Mandal, R. R. District.
7. Teegala Madhava Reddy, S/o. Late Venkat Reddy, Aged about 58 years, Occ: Agriculture, R/o. Badangpet Village, Saroornagar Mandal, R. R. District.
8. Teegala Sai Roop Reddy, S/o. Late Sanjeev Reddy, Aged about 25 years, Occ: Student, R/o. Badangpet Village, Saroornagar Mandal, R. R. District.

...Petitioner(s)
(Petitioner in WP 17474 OF 2019
on the file of High Court)

AND

1. The State of Telangana, Rep. by its Principal Secretary (Endowment Department), Secretariat, Saifabad, Hyderabad.
2. The Endowments Tribunal for the State of Telangana, Barkatpura, Hyderabad.
3. The Chairman-Cum-Dist. Judge, the Endowments Tribunal for the State of Telangana, Barkatpura, Hyderabad.
4. The Member, the Endowments Tribunal for the State of Telangana, Barkatpura, Hyderabad.

...Respondent(s)
(Respondents in-do-)

Counsel for the Petitioner: M/S. L. PRABHAKAR REDDY

Counsel for the Respondents Nos. 1 to 4: GP FOR ENDOWMENTS

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay of pronouncing the orders by the Respondents in OA No. 457 of 2015 on the file of Endowment Tribunal, Hyderabad by suspending the letter No.12683/Endts.II(A1)/2019 dated 25-07-2019, of the 1st respondent pending disposal of the above Writ Petition No.17474 of 2019, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

This is a case where the petitioners challenge the proceedings vide Lr.No.12683/Endts.II(A1)/2019, dt.25.07.2019 issued by respondent No.1. There was a difference of opinion between the Judicial Member and the Administrative Member and in terms of Rule 22(2) of the Telangana Charitable and Hindu Religious Institutions and Endowment Tribunal Rules, 2010 (for brevity "the Rules"), the matter was referred to the Government. Rule 22(2) of the Rules contemplates making a reference to the Government. However, the said Rule does not spell out that the Government is entitled to decide the issue on merits. Further, the Government has the final authority by making a reference to the Government in case of conflict of opinion between the Judicial Member and the

Administrative Member in a judicial proceedings is something which is nothing but interference with the independence of the Judiciary and judicial decision making process.

In that view of the matter, the validity of the said rule itself becomes doubtful. Even assuming that the said rule is valid, the impugned proceedings dt.25.07.2019 whereby the Government has taken a final decision by concurring with the orders passed by the Member, is beyond the provisions of the rule, as what all the rule contemplates is reference to the Government, but there is no power to the Government to decide the conflict, as the rule is silent on that aspect.

Further, as per the rule printed in the Book, there is yet another sentence in addition to the reference to the Government, stating that the Government in turn is required to refer the matter to the High Court. Further, considering the fact that the rule has already been challenged and pending before a Division Bench of this Court in W.P.No.40476 of 2018 and *prima-facie*, the impugned order dt.25.07.2019 is in conflict with the procedure prescribed under the Rules, there shall be interim suspension of impugned proceedings dt.25.07.2019.

Hence, this matter be tagged to W.P.No.40476 of 2018.

SD/- CH. VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Endowment Department), State of Telangana, Secretariat, Saifabad, Hyderabad.
2. The Endowments Tribunal for the State of Telangana, Barkatpura, Hyderabad.
3. The Chairman-Cum-Dist. Judge, the Endowments Tribunal for the State of Telangana, Barkatpura, Hyderabad.
4. The Member, the Endowments Tribunal for the State of Telangana, Barkatpura, Hyderabad (RR 1 to 4 by RPAD).
5. One CC to M/s. L. PRABHAKAR REDDY, Advocate [OPUC].
6. Two CCs to GP FOR ENDOWMENTS, High Court for the State of Telangana at Hyderabad [OUT].
7. One spare copy.

HIGH COURT

CKRJ

DATED: 16/08/2019

ORDER

IA NO 1 OF 2019

IN

WP.No.17474 of 2019

INTERIM SUSPENSION



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