

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY ,THE EIGHTH DAY OF JULY TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 28636 OF 2022

Between:

Sri Bahuganam Mahender, S/o Late Sri Anantha Ramaiah

Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue (Endowment Department) Secretariat Saifabad Hyderabad
2. The Commissioner, Endowment, Endowment Department Boggulakunta, Tilak Road Hyderabad
3. The Chairman Cum Dist Judge, Telangana Endowments Tribunal, State of Telangana, Bumanna Lane Barkatpura Hyderabad
4. Sri Baskarayani Narsimha Murthy, aged about 64 years R/o Sri lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda Dist.
5. B. Lakshmi Narasimha Rao, S/o Late B. Anantha Ramaiah, aged about 74 years, R/o H.No. 16-7-813/13/A. Opp. Malakpet Railway Station, Hyderabad - 500024.
6. Sri V. Buchaiah Sharma, S/o V. Siddaiah Sharma aged about 61 years R/o Jeedikal (Post), Lingalsganapur (Mandal) Warangal dist.
7. The Asst Commissioner Endowments, Nalgonda Dist, Nalgonda AP
8. The Executive Officer of Sri Lakshmi Narsimha Swamy Devasthanam, Yadagirigutta, Nalgonda District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ in the nature of mandamus or any other nature declaring i) Letter No 25334/Endts.II(A2)/2019 Dt 31-10-2020 issued by Respondent No 1 to respondent No 3 thereby declining the request of the Chairman-cum-District Judge Telangana Endowment Tribunal (vide Ir No BC.1/336/2018 Dt 11-06-2020) to reconsider the matter in OA No 536/2012 in the light of Orders of the Honourable High Court in WP No 17474/2019 in correct perspective and informing The Chairman-cum-District Judge Telangana Endowment Tribunal that the order passed by Government Vide Lr No 25334/Endts.II/A2/2020 Dt 01-06-2020 as per Rule 22 (2) of the AP Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010 hold good as illegal unlawful, against the provisions of constitution of India, principles of natural justice, fairplay and equity and consequently set aside the same. ii) The Rule 22 (2) of the AP Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010 as unconstitutional being violative of Article 14 of Constitution of India and Ultra-Virus to Section 87 to 89 of AP Charitable and Hindu Religious Institutions and Endowment Tribunal Act 1987 and against the spirit of Judicial system, since the said Rule empowers the Government to decide in the cases where the Chairman and Member differ and disagree on the merits of the matter and give conflicting judgment. iii) To confirm the Order Dt 31-10-2018 passed by the Chairman-Cum-Dist

Judge in OA No 536/2012 by rejecting the Order Dt 31-10-2018 passed by the Member in OA No 536/2012 on the file of Respondent No 3 i.e Telangana Endowment Tribunal and allow OA No 536/2012 ;

IA NO: 1 OF 2022:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to STAY the operation and effect of the Letter No 25334/Endts.II(A2)/2019 Dt 31-10-2020 issued by Respondent No 1 to respondent No 3 thereby declining the request of the Chairman-cum-District Judge Telangana Endowment Tribunal (vide Ir No BC1/336/2018 Dt 11-06-2020) to reconsider the matter in OA No 536/2012 in the light of Orders of the Honourable High Court in WP No 17474/2019 in correct perspective and informing The Chairman-cum-District Judge Telangana Endowment Tribunal that the order passed by Government Vide Lr No 25334/Endts.II/A2/2020 Dt 01-06-2020 as per Rule 22 (2) of the AP Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010 hold good; pending disposal of WP 28636 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI G K DESHPANDE Advocate for the Petitioner and GP FOR ENDOWMENTS for the Respondents 1 to 3, 7 & 8, the Court made the following.

ORDER:

The learned counsel for the petitioner submits that there is a conflict of opinion between the Chairman/Judicial Member and the Administrative Member. The matter is referred to Government. In similar circumstances, this Court by order dated 16.8.2019 in I.A.No.1 of 2019 in W.P.No.17474 of 2019 granted interim suspension of the impugned order therein.

In view of the same, there shall be interim stay as prayed for.

Post along with W.P.Nos.17474/2019 & 14861/2020.

//TRUE COPY//

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary Revenue (Endowment Department) State of Telangana, Secretariat Saifabad Hyderabad
2. The Commissioner, Endowment, Endowment Department Boggulakunta, Tilak Road Hyderabad
3. The Chairman Cum Dist Judge, Telangana Endowments Tribunal, State of Telangana, Bumanna Lane Barkatpura Hyderabad

4. Sri Baskarayani Narsimha Murthy, aged about 64 years R/o Sri lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda Dist.
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7. The Asst Commissioner Endowments, Nalgonda Dist, Nalgonda AP
8. The Executive Officer of Sri Lakshmi Narsimha Swamy Devasthanam, Yadagirigutta, Nalgonda District. (1 to 8 by RPAD)
9. One CC to SRI. G K DESHPANDE Advocate [OPUC]
10. Two CCs to GP FOR ENDOWMENTS, High Court at Hyderabad. [OUT]
11. One spare copy

HIGH COURT

BVRJ

DATED:08/07/2022

POST ALONG WITH
W.P.NOS.17474 OF 2019 & 14861 OF 2020

ORDER

WP.No.28636 OF 2022

INTERIM STAY

