

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

MONDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND EIGHTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE A V SESA SAI

**I.A.NO.1 OF 2018
IN
WP NO: 19008 OF 2018**

Between:

Sri. P. Vishnuvardhan Reddy, S/ o. late Sri. P. Janardhan Reddy,

...Petitioner
(Petitioner in WP.No.19008 OF 2018
on the file of High Court)

AND

1. The State of Telangana, Endowment Department, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2. The Commissioner of Endowments, State of Telangana, Bogulkunta, Hyderabad.
3. The Assistant Commissioner of Endowments, Secunderabad,
4. The Executive Officer, Sri Peddamma Temple, Jubilee Hills, Hyderabad

...Respondents
(Respondents in-do-)

Counsel for the Petitioner: MR.T.SURYA SATISH

Counsel for the Respondent No.1: GP FOR ENDOWMENTS (TG)

Counsel for the Respondent Nos.2 to 4: SRI.K.JAGAN MOHAN REDDY, SC

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 suspend both the proceedings in Memo No. 6451/Endts.II(A1)2018- dated 09.05.2018 and the G.O.Rt. No. 214 dated 24.05.2018, Pending disposal of WP No.19008 of 2018, 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

It is submitted by the learned counsel for the petitioner that, vide impugned memo bearing No.6451/ Endts.II (A1)2018, dated 09.05.2018, without assigning any reasons, the State Government rejected the request of the petitioner herein. In support of his submission, the learned counsel placed reliance on the judgment of the Honourable Apex Court in **S.N.MUKHERJEE v. UNION OF INDIA** (1990 AIR (SC) 1984) and the judgment of this Court in **SRI KRISHNA PHARMACEUTICALS LIMITED v. COMMISSIONER OF CUSTOMS AND CENTRAL EXCISE (APPEALS), HYDERABAD** (2002(4) ALD 101).

On the other hand, it is the submission of the learned Government Pleader so also Sri K.Jagan Mohan Reddy, learned Standing Counsel for the respondent Nos.2 to 4, that there is no obligation on the part of the first respondent herein to assign reasons while rejecting the request of the

petitioner herein and they placed reliance on the judgment **S.V.SUDHAKARA RAO v. STATE OF A.P** (2004 (2) ALD 302).

In **SRI KRISHNA PHARMACEUTICALS** (2nd cited supra) a Division Bench of this Court held that the statutory discretionary power is required to be exercised in accordance with the postulates of Article 14 of the Constitution, that is to say, reasonably, fairly and in public interest and in keeping in mind the objective behind the discretionary power. The Division Bench further held that the guarantee of equal protection enshrined in Article 14 embraces the realm of state action and it would extend not only when an individual is discriminated against in the matter of exercise of his rights or in the matter of imposing liabilities upon him but also in the matter of granting privileges.

In the considered opinion of this Court the issue, raised in the present Writ Petition, requires examination. In view of the same, there shall be interim suspension as prayed for.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, Endowment Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Endowments, State of Telangana, Bogulkunta, Hyderabad.
3. The Assistant Commissioner of Endowments, Secunderabad,
4. The Executive Officer, Sri Peddamma Temple, Jubilee Hills, Hyderabad (RR-1 to 4 by RPAD)
5. One CC to SRI. T SURYA SATISH Advocate [OPUC]
6. Two CCs to GP FOR ENDOWMENTS (TG), High Court Of Judicature at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

AVSS,J

DATED: 18.6.2018

I.A.NO.1 OF 2018
IN
WP.NO.19008 OF 2018

INTERIM SUSPENSION



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