

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

W.P.NO.28724 OF 2021 & W.P.NO: 24716 OF 2021

WP.NO.28724 OF 2021

Between:

Dayagala Hamsu, S/o. Dayagala Ramesh

...Petitioner

AND

1. The State of Telangana, Endowment Department, Rep by its Principal Secretary, Secretariat, Hyderabad.
2. The Deputy Commissioner, Endowments Department, Hyderabad.
3. Smt. P. Indra Janardhan Reddy, W/o. Late Sri. P. Janardhan Reddy, Aged about 65 years, Occ: Housewife, R/o. Flat No.201, H.No.1-2-412/1, Garunda Apartment, Gaganmahal, Domalguda, Hyderabad.
4. Sri Peddamma Temple, Jubilee Hills, Hyderabad Rep. by its Executive Officer.

...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 a writ, order or direction more particularly one in the nature of writ of mandamus to declare the order dated: 2/06/2008 passed in O.A.No.7/2008 by the 2nd respondent herein in so far as declaring the 3rd respondent herein as member of founder family of 4th respondent temple as illegal, arbitrary, contrary to Sec. 17 of Telangana Charitable and Hindu Religious Institutions and Endowment Act 1987 and contrary to the provisions of the Endowments Act and violative of Articles 14, 25 and 26 of the Constitution of India and consequently to set aside the declaration of the 3rd respondent herein as member of found family of the 4th respondent temple.

IA NO: 1 OF 2021

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 the order dated 02/06/2008 passed in O.A.No. 7 of 2008 by the 2nd respondent herein insofar as declaring the 3rd respondent herein as member of founder family of 4th respondent temple, pending disposal of the WP.No.28724 of 2021, 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.T.SURYA SATISH Advocate for the Petitioner and GP for Endowments for Respondents 1&2

and Sri.K.Jagan Mohan Reddy SC for Respondent No.4, the Court made the following.

WP.NO.24716 OF 2021

Between:

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

...Petitioner

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. Smt. P. Indra Janardhan Reddy, W/o. Late Sri. P. Janardhan Reddy, Aged 65 years, Occ: Housewife, R/o. Flat no. 201, H.No.1-2-412/1, Garunda Apartment, Gaganmahal, Domalguda, Hyderabad.
4. Sri Peddamma Temple, Jubilee Hills, Hyderabad, rep.by the Executive Officer,

(R4 is impleaded as per Court order dated 29.10.2021 in IA.No.2 of 2021)

...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 a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the 2nd Respondent issued vide Memo in R.C.No.C2/6009/2021 dated: 29/09/2021 fixing the rotation for a period of one year between the Petitioner and the 3rd Respondent in the capacity of Founder Family Member to Sri. Pedamma Temple, Jubilee Hills, Hyderabad as illegal, arbitrary, colorable exercise of power, non-application of mind, contrary to statute, violation of provisions of Telangana Charitable and Hindu Religious Institutions Endowments Act, 1987 and violative of Articles 14, 25 and 26 of the Constitution Of India and consequently to set aside the proceedings in Memo in R.C.No.C2/6009/2021 dated: 29/09/2021 of the 2nd Respondent.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the proceedings of the 2nd Respondent issued vide Memo in R.C.No.C2/6009/2021 dated: 29/09/2021, pending disposal of WP.No.24716 of 2021, 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 M/s T. SURYA SATISH Advocate for the Petitioner, GP FOR ENDOWMENTS for the Respondent Nos.1 and 2 and SRI.K.JAGAN MOHAN REDDY Advocate for the Respondent No.4, the Court made the following.

ORDER:

The order dated 04.10.2021 was passed by this Court directing that the respondent No.2 shall not insist the petitioner to hand over the management of the respondent No.4-Temple to the respondent No.3. However, there was a further direction to the petitioner and respondent No.2 to permit the respondent No.3 to take the honours of the respondent No.4-Temple.

As there was possibility of amicable settlement, as represented by both the counsel, order dated 21.09.2022 was passed by this Court directing personal appearance of the petitioner and the respondent No.3. Accordingly, the petitioner and the respondent No.3 appeared in person before this Court on 22.09.2022. It was represented by the respondent No.3 that her presence in the respondent No.4-temple is nominal and she is not having any access to the registers of the respondent No.4-Temple and none of the employees including the Executive Officer and Priests of the respondent No.4-Temple are taking any orders/directions from her and it is only the petitioner, who is at the helm of affairs.

Learned counsel for the respondent No.3 expressed urgency stating that in view of ensuing 'Dasara' festival, temporary management may be made and management of the respondent No.4-Temple be handed over the respondent No.3.

In response thereto, learned counsel for the petitioner submitted that there is no interference of any kind in the management of the respondent No.4-Temple and both the petitioner and the respondent No.3 are jointly managing the respondent No.4-Temple. All the rituals are attended to by the respondent No.3 and she is entitled to all the honours in respondent No.4-Temple.

The same is disputed by the learned counsel for the respondent No.3.

As there is paucity of time for hearing the matter on merits, in the considered opinion of this Court the following temporary arrangement is made for the ensuing 'Dasara' festival:

1. The respondent No.4-Temple shall be under the joint management of the petitioner and the respondent No.3 till 31.10.2022.
2. The respondent No.3 shall have access to all the registers, audit books etc. of the respondent No.4-Temple.
3. The petitioner shall not interfere with the decisions of the respondent No.3 if any directions/instructions are issued to the respondent No.4-Temple employees, priests etc.

4. The guest house in the respondent No.4-Temple premises available for the convenience of the family members of the original Trustee shall be made available for the use and occupation of the respondent No.3 till 31.10.2022.
5. The respondent No.3 shall ensure that the other family members shall not interfere with the affairs of the respondent No.4-Temple.

List on 31.10.2022.

Sd/- K.SHYLESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Endowment Department, State of Telangana, Secretariat, Hyderabad.(BY RPAD)
2. The Commissioner of Endowments, State of Telangana, Bogulkunta, Hyderabad. (BY RPAD)
3. Smt. P. Indra Janardhan Reddy, W/o. Late Sri. P. Janardhan Reddy, Occ: Housewife, R/o. Flat no. 201, H.No.1-2-412/1, Garunda Apartment, Gaganmahal, Domalguda, Hyderabad. (BY RPAD)
5. The Executive Officer, Sri Peddamma Temple, Jubilee Hills, Hyderabad. (BY RPAD)
6. The Deputy Commissioner, Endowments Departments, Hyderabad (BY RPAD)
4. One CC to M/s. T. SURYA SATISH, Advocate [OPUC].
5. Two CCs to GP FOR ENDOWMENTS, High Court for the State of Telangana at Hyderabad [OUT].
6. One spare copy

HIGH COURT

BVR.J

DATED: 27.09.2022

NOTE ;POST ON 31.10.2022

WP.NO.28724 OF 2021 & 24716 OF 2021

DIRECTION

