

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

CIVIL REVISION PETITION NO: 2968 OF 2023

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 01-09-2023 passed in I.A.No.142/2023 in O.A.No.3004/2010 (Old O.A.No.19/2003 on the file of the Deputy Commissioner, Endowments Department, Hyderabad) on the file of the Telangana Endowments Tribunal, at Hyderabad.

Between:

1. Venugopal Inani, (died per LR)
2. Lakshmikanth Inani,, S/o. Late Sri Venugopal Inani, aged 64 Years, Occ. Business
3. Ramakanth Inani,, S/o. Late Sri Venugopal Inani, aged 60 Years, Occ. Business
4. Vishnukanth Inani,, S/o. Late Sri Venugopal Inani, aged 52 Years, Occ. Business

(Applicants 2 to 4 proposed R4 to R6 are R/o Plot No.47/1, HUDA Heights, Road No.12, Banjara Hills, Hyderabad)

...Proposed applicants R2 to 4/Applicants
(wrongly mentioned as R4 to R6
instead of applicants 2 to 4)

AND

1. Smt Chandrabhaga Bai (DIED), (Died)
2. The Asst. Commissioner of Endowments, Endowments Department, Tilak Road, Boggulakunta, Hyderabad.
3. Sri Satyanarayana Sharma, (Died)
4. Ramesh Chandra Jhanwar, S/o Late Suresh Chandra Jhanwar, aged 40 Yrs., R/o D.No.15-9-48, Maharajgunj, Hyderabad-500012.
5. Ashok Kumar Bajaj,, S/o Late Sri Gangabishan Bajaj, aged 50 Yrs., R/o D.No.15-2-220, Maharajgunj, Hyderabad 500 012.

6. Purshotham Das., Mmember of Founder Family, Sri Ragnathji Temple,
Maharajgunj, Hyderabad 500 012.
(Claims to be founder family member)

...RESPONDENTS

IA NO: 1 OF 2023

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 all further proceedings in Order dated 01-09-2023 I.A.No.142/2023 in O.A.No.3004/2010 (Old O.A.No.19/2003 on the file of Deputy Commissioner, Endowments Department, Hyderabad) on the file of the Telangana Endowments Tribunal, at Hyderabad, pending disposal of the Civil Revision Petition.

Counsel for the Petitioners : SRI BANKATLAL MANDANI

Counsel for the Respondents No.1 to 5 : -

Counsel for the Respondent No.6 : SRI VENKATESH DESHI ANDE

The Court made the following: ORDER

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRP.NO.2968 OF 2023

ORDER

1. This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 01.09.2023 in IA.No.142 of 2023 in OA.No.3004 of 2010 (Old O.A.No.19 of 2003) passed by the Telangana Endowments Tribunal at Hyderabad.
2. Petitioner Nos.2 to 4 are the proposed petitioner Nos.4 to 6. Respondent Nos.1 to 3 and 6 are the respondents and respondent No.4 is the petitioner No.3 in OA.No.3004 of 2010 (Old OA.No.19 of 2003). Respondent No.5 is not a party to the O.A.
3. Learned counsel for the petitioners submits that the order passed by the learned Tribunal is contrary to law and facts of the case, the Tribunal has dismissed the application on the sole ground that the petitioners have not placed on record any document establishing the relationship with the petitioner No.1 (Sri Venugopal Inani). Petitioner Nos.2 to 4 have filed their Aadhar cards along with the revision to prove that they are the sons of Late Sri Venugopal Inani. Respondent No.6 and his family members filed a petition in the month of July 2023, admitting that the petitioners, their sisters and their mother are the legal representatives of Late Sri Venugopal Inani and sought the relief

to bring them on record in another petition filed by them. The Tribunal ought to have taken the said petition into consideration and ought to have allowed the LR application and prayed to set aside the impugned order.

4. Learned counsel for respondent No.6 submits that the petitioners are not entitled to come on record as legal heirs of Venugopal Inani as a matter of right like that of a Civil Suit, the same analogy cannot be applied in the matters filed under Section 87(1)(h) of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 30/1987, relied on the decision in the case of Vallabharayeswara Swamy Temple Vs. Bellamkonda Venkata Subrahmanya Sarma¹ and prayed to dismiss the CRP.

5. Power of the High Court under Article 227 is supervisory and is exercised to ensure courts and tribunals under its supervision act within the limits of their jurisdiction conferred by law. This power is to be sparingly exercised in cases where errors are apparent on the face of record, occasioning grave injustice by the court or tribunal assuming jurisdiction which it does not have, failing to exercise jurisdiction which it does have, or exercising its jurisdiction in a perverse manner: (See K.Valarmathi and Others Vs. Kumaresan, 2025 SCC OnLine SC 985).

¹ MANU/AP/0964/2014

6.1. Petitioner No.3 has sworn the affidavit in IA.No.142 of 2023 which is filed under Rule 10 of TET Rules r/w 28 and 29 of Civil Rules of Practice r/w Section 151 of CPC. It is stated in the affidavit that Venugopal Inani (petitioner No.1) and others filed the O.A. to declare them as Members of Founder's Family and Muthawalli of Sri Raghunathji Temple situated at Maharajganj, Hyderabad by setting aside the order passed by the Asst. Commissioner of Endowments, Hyderabad (respondent No.2 herein) in proceedings No.D/4673/95, dated 04.12.1995. Pending O.A. petitioner No.1 died on 29.12.2022 leaving behind the petitioner Nos.2 to 4 as agnatic line of successors of the petitioner No.1 and prayed to permit them to come on record as LRs of petitioner No.1 as just and necessary parties.

6.2. It is mentioned in the cause title of the petition in IA.No.142 of 2023 that respondent Nos.1, 3, 4 and 5 are not necessary parties to the petition.

7. Respondent No.6 has filed his counter and contended that the petitioner Nos.2 to 4 cannot come on record as LR's of petitioner No.1 in the matters filed under Section 87(1)(h) of the Telangana Charitable and Hindu Religious Institutions and Endowment Act, 30/1987. Under Section 17 Explanation I of the Act neither the ancestors of petitioner No.1 nor the ancestors of the other petitioners were recognised as Founders for enabling the petitioners-applicants to get themselves

recognised as members of Founder's Family and the remedy of the petitioners is elsewhere and the petition is not properly framed in view of the defective cause title and respondent No.5 (Ashok Kumar Bajaj) was fraudulently made as party and prayed to dismiss the application.

8. The learned Tribunal after going through the contents of the affidavit and the counter filed thereon has dismissed IA.No.142 of 2023 on 01.09.2023 which is impugned in the present CRP.

9. Venugopal Inani (petitioner No.1 herein); Gangabishan Bajaj and Ramesh Chandra Jhanwar have filed petition under Section 87(1)(h) of Andhra Pradesh Charitable and Religious Endowments Act, 30/1987 against (1) Smt. Chandrabhaga Bai (2) Asst. Commissioner of Endowments, Tilak Road, Hyderabad to declare petitioners Nos.1 to 3 as Members of the Family of Founder of the Temple and also Muthawalli in respect of the Temple by duly setting aside the order passed on 04.12.1995 in Proceeding No.D/4673/95 by respondent No.2. Satyanarayana Sharma is impleaded as respondent No.3 in the O.A. vide IA.No.2 of 2007, dated 23.05.2007 and Pushotham Das (respondent No.6 herein) is impleaded as respondent No.4 as LR of respondent No.1 vide IA.No.8 of 2021, dated 28.10.2021. It is to be noted that Gangabishan Bajaj (petitioner No.2 in the O.A.) died during pendency of the case and case against him is abated.

10. It is apt to refer Section 17 Explanation I of Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 which reads as under:

Explanation I:- 'Founder' means-

(a) In respect of Institution or Endowments existing at the commencement of this Act, the person who was recognized as Hereditary Trustee under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 or a Member of his family recognized by the Competent Authority;

(b) In respect of an Institution or Endowment established after such commencement, the person who has founded such Institution or Endowment or a member of his family and recognized as such by the competent authority.

11. It is also appropriate to refer Section 87(1)(h) of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 which reads as under:

Section 87. Power of Endowments Tribunal to decide certain disputes and matters:-

"(1) The Endowments Tribunal having jurisdiction shall have the power, after giving notice in the prescribed manner to the person concerned, to enquire into and decide any dispute as to the question-

(h) Whether a person is a founder or a member from the family of the founder of an Institution or Endowment".

12. In Vallabharayeswara Swamy Temple¹, the High Court observed that :

"In respect of the institutions or endowments existing at the commencement of the 1987 Act, only persons recognised as hereditary trustees or members belonging to the family of the hereditary trustees under the 1966 Act are entitled to be considered for appointment as trustees in the Trust Boards to be constituted under the 1987 Act. If a person was not recognised either as a hereditary trustee or as a member belonging to the family of the hereditary trustee under the 1966 Act, he is not entitled to approach the competent authority under the 1987 Act under Section 87(1)(h) for declaration as such or the appointing authority for appointment as a trustee".

13. Petitioner's have filed copies of applications filed in OA.No.86 of 2017, which goes to show that Smt.Chandrabhaga Bai filed the O.A. against Venugopal Inani (petitioner No.1 herein) and others. After the death of Smt.Chandrabhaga Bai, her legal heirs were brought on record including respondent No.6 herein. Respondent No.6 herein and his other family members have filed an application in the above O.A. before the Endowment Tribunal under Order 22 Rule 9 of CPC r/w Rule 10 of Telangana Endowment Tribunal Rules to bring the legal representatives of respondent No.1 therein (Venugopal Inani). The affidavit is sworn by respondent No.6 herein wherein he stated that

Venugopal Inani died on 29.12.2022 leaving behind Pramila Devi and her children as legal heirs to be brought on record. Petitioner Nos.2 to 4 herein are shown as the children of Late Venugopal Inani apart from other family members in the affidavit.

14. The order passed by the learned Tribunal goes to show that the application filed by the petitioners to bring them on record as LRs of Venugopal Inani came to be dismissed solely on the ground that no documentary proof is placed on record establishing the relationship. Petitioner Nos.2 to 4 have filed their copies of Aadhar cards which shows that they are the children of the petitioner No.1.

15. The decision cited by respondent No.6 counsel is after full trial of the O.A. which is filed for recognition as Members of Founder's Family of the subject Temple therein. In the present CRP the order assailed is rejection of application to bring the LRs of the deceased-petitioner No.1. The ratio laid down by the High Court in the above said decision would not apply in the present case as main O.A. is still pending consideration before the learned Tribunal.

16. Respondent No.4 herein is the petitioner No.3 in O.A. and respondent No.5 (Ashok Kumar Bajaj) is no way concerned with the application and the learned Tribunal has rightly ordered to stuck off his name from the cause title.

17. The learned Tribunal has lost sight of the contentions raised by the petitioners and passed an erroneous order without going into the material placed on record. This court is of the view that the order passed by the learned Tribunal is perverse and the same is liable to be set aside and is accordingly set aside.

18. Civil Revision Petition is allowed and the order passed by the learned Tribunal in IA.No.142 of 2023 in OA.No.3004 of 2010 dated 01.09.2023 is set aside and consequently petition filed by the petitioners is allowed without costs.

Interim orders if any stands vacated. Miscellaneous application/s shall stands closed.

Sd/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Deputy Commissioner, Endowments Department, Hyderabad) on the file of the Telangana Endowments Tribunal, at Hyderabad.
2. One CC to SRI BANKATLAL MANDANI Advocate [OPU]
3. One CC to SRI. VENKATESH DESHPANDE Advocate [C PUC]
4. Two CD Copies

GE/PR

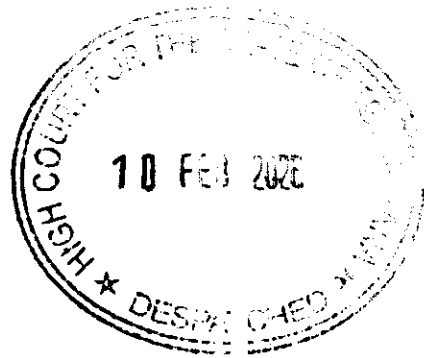


HIGH COURT

DATED:20/11/2025

ORDER

CRP.No.2968 of 2023



ALLOWING THE CRP WITHOUT COSTS

⑥ MT
12/12/25