

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE THIRD DAY OF AUGUST

TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

**WRIT PETITION NOS: 25572, 40476 OF 2018, 17474 OF 2019, 14861 OF 2020,
24029 OF 2021 AND 28636, 39435, 39464, 39473 AND 39485 OF 2022**

W.P.No.25572 of 2018

Between:

1. Vijendra Kumar Tiwari, S/o. Late Sri Gokaran Nath Tiwari
2. Rajendra Prasad Tiwari, S/o. Late Sri Gokaran Nath Tiwari
3. Smt. Savitri Devi, W/o. Late Sri Krishnakanth Tiwari
4. Ramesh Kumar Tiwari, S/o. Late Sri Krishnakanth Tiwari
5. Rajesh Kumar Tiwari, S/o Late Sri Krishnakanth Tiwari **(Died per LRs 9 to 11).**
6. Rakesh Kumar Tiwari, S/o. Late Sri Krishnakanth Tiwari
7. Sunil Kumar Tiwari, S/o. Late Sri Krishnakanth Tiwari
8. Smit. Sunita Pandey, D/o. Late Sri Krishnakanth Tiwari
9. Smt Rama Tiwari W/o. Late Rajesh Kumar Tiwari
10. Siddharth Tiwari S/o. Late Rajesh Tiwari
11. Anandi Tiwari D/o. Late Rajesh Kumar Tiwari

**(Petitioner Nos.9 to 11 are brought on record as LRs of deceased
Petitioner No.5 as per Court Order dated: 26/10/2021 Vide I.A.No.1 of
2021 in W.P.No.25572 of 2018)**

...Petitioners

AND

1. The Government of Telangana, Represented by the Principal Secretary, Endowments Department, Secretariat, Hyderabad.
2. The Chairman, Endowments Tribunal, State of Telangana, Hyderabad.
3. The Member, Endowments Tribunal, State of Telangana, Hyderabad.
4. The Commissioner, Endowments Department, State of Telangana, Tilak Road, Hyderabad.
5. The Assistant Commissioner, Endowments Department, Hyderabad, O/o. The Commissioner, Endowments Department, Tilak Road, Hyderabad.

...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 an order, direction or a Writ, one in the nature of a Writ of Mandamus, directing the Member, Endowments Tribunal, State of Telangana, Hyderabad, the 3rd Respondent herein, to comply with the provision contained in Rule 23 of the Telangana Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2010 and also direct the Government of Telangana, represented by its Principal Secretary to the Government, Endowments Department, Hyderabad, the 1st Respondent herein to afford an opportunity of hearing the Petitioners before the first Respondent pronounces any orders pursuant to the referring of the matter to the Government under Rule 22 (2) of the Telangana Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2010.

IA NO: 1 OF 2018

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 stay all further proceedings before the Government of Telangana represented by its Principal Secretary, Endowments Department, the first Respondent herein, pursuant to the order dated: 16.07.2018 in O.A.No.2 of 2018 (on the file of the Endowments Tribunal, Telangana State, Hyderabad) referring the matter to the Government, pending disposal of WP.No.25572 of 2018, 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 the order of the High Court order dated: 24.07.2018 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing M/s. P. YADAGIRI RAO Advocate for the Petitioners and Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondents,

W.P.No.40476 of 2018

Between:

1. Teegala Yadi Reddy, S/o. Late Dhan Reddy
2. Teegala Mahender Reddy, S/o. Late Ram Reddy
3. Teegala Dayakar Reddy, S/o. Late Ram Reddy
4. Teegala Chandra Reddy, S/o. Late Sathi Reddy
5. Teegala Jagan Mohan Reddy, S/o. Late Sathi Reddy
6. Teegala Goverdhan Reddy @ Gopal Reddy, S/o. Late Sathi Reddy
7. Teegala Madhava Reddy, S/o. Late Venkat Reddy
8. Teegala Sai Roop Reddy, S/o. Late Sanjeev Reddy

...Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary (Endowment Department), Secretariat, Saifabad, Hyderabad.
2. The Assistant Commissioner of Endowment, R.R., District, O/o. Endowment Office Boggulakunta, Abids, Hyderabad.
3. Sri Balaji Venkateswara Swamy Temple, Badanpet Village, Saroornagar Mandal, Rep. by its Manager.

...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 portion "in case of disagreement the Chairman shall address the Government" of Rule 22 (2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010 made under GOMs.No.180 Revenue (Endowments-I), Department dated 28-02-2011 as adopted by the State of Telangana under GOMs No.38 Revenue (Endowments – I) Department dated 09-04-2015 as unconstitutional, ultra vires and violative of Articles 14 and 50 of the Constitution of India apart from contrary to the provisions of AP Charitable and Religious Institutions and Endowments Act, 1987 and consequently set-a-side the notice issued by Telangana Endowment Tribunal, Hyderabad in OA No.457 of 2015 dated 08-10-2018 by treating the OA.No.457 of 2015 as allowed.

IA NO: 1 OF 2018

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 stay of all further proceedings including making any order or decision by the 1st Respondent over the judicial orders dated: 08-10-2018 made in OA.No.457 of 2015 of the Endowment Tribunal, Hyderabad in pursuance of the reference notice dated: 08-10-2018 of Telangana Endowment Tribunal, Hyderabad, pending disposal of WP.No.40476 of 2018, 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 the order of the High Court order dated: 14.11.2018 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing M/s. L. PRABHAKAR REDDY Advocate for the Petitioners, Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondent Nos.1 and 2 and Mr. JAGAN MOHAN REDDY KOTHA Advocate for the Respondent No.3,

W.P.No.17474 of 2019

Between:

1. Teegala Yadi Reddy, S/o. Late Dhan Reddy
2. Teegala Mahender Reddy, S/o. Late Ram Reddy

3. Teegala Dayakar Reddy, S/o. Late Ram Reddy
4. Teegala Chandra Reddy, S/o. Late Sathi Reddy
5. Teegala Jagan Mohan Reddy, S/o. Late Sathi Reddy
6. Teegala Goverdhan Reddy @ Gopal Reddy, S/o. Late Sathi Reddy
7. Teegala Madhava Reddy, S/o. Late Venkat Reddy
8. Teegala Sai Roop Reddy, S/o. Late Sanjeev Reddy

...Petitioners

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-District Judge, the Endowments Tribunal for the State of Telangana, Barkatpura, Hyderabad.
4. The Member, the Endowments Tribunal for the State of Telangana, Barkatpura, Hyderabad.

...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 prohibition directing the respondents not to proceed further in O.A.No.457 of 2015 including pronouncing the orders as per the letter of the 1st respondent dated 25-07-2019 consequently declaring the action of the 1st respondent in taking a unilateral decision to concure with the orders of the Member of the Tribunal in O.A.No.457 of 2015 as per the letter No.12683/Endts.II(A1)/2019 dated 25-07-2019 addressed to the Chairman-Cum-District Judge, Telangana Endowments Tribunal to pronounce the orders in O.A.No.457 of 2015 as illegal, arbitrary, unjust, cotrary to established principles of law, violation of principles of natural justice and violation of Article 14 of Constitution of India.

IA NO: 1 OF 2019

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 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 WP.No.17474 of 2019, 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 the order of the High Court order dated: 16.08.2019 made in I.A.No.1 of 2019 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing M/s. L. PRABHAKAR REDDY Advocate for the Petitioners, Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondents,

W.P.No.14861 of 2020

Between:

Shaik Hameed, S/o. Shaik Mahaboob

Petitioner

AND

1. The State of Telangana, rep. by its Principal Secretary, Endowment Department, Secretariat, Hyderabad.
2. The Telangana Endowment Tribunal, at Hyderabad, rep. by its Registrar, Tilak Road, Hyderabad.
3. Assistant Commissioner, Endowment Department, Ranga Reddy District, Tilak Road, Hyderabad.
4. Sri Ananta Padmanabha Swamy Temple, rep. by its Manager, Attapur village, Rajendranagar Mandal, Ranga Reddy 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 a Writ of Certiorari or any other appropriate writ and quash the judgment rendered by Administrative Member (K. Jyothi) in O.A.No.909 of 2011, dated 11/06/2020 on the tile of the Telangana Endowment Tribunal, Hyderabad if necessary by setting aside the order of reference about the divergence in the judgments of the Chairman and Administrative Member of Telangana Endowment Tribunal, Hyderabad in O.A.No.909 of 2011 and further direct the respondents not to interfere with the possession and enjoyment of the petitioner over the schedule mentioned land in O.A.No.909 of 2011.

IA NO: 1 OF 2020 :

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 direct the 1st respondent not to take any decision/pass any order in O.A.No.909 of 2011, on the file of the Telangana Endowment Tribunal, Hyderabad, pending disposal of the WP.No.14861 of 2020, on the file of the High Court.

IA NO: 2 OF 2020:

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 operation and effect of the judgment and order in O.A.No.909 of 2011, dated 11/06/2020 (rendered by the K.Jyothi, Administrative Member), pending disposal of the WP.No.14861 of 2020, 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 the order of the High Court order dated: 08.09.2020 and 22.02.2021 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing M/s. D.B. CHAITANYA Advocate for the Petitioner, Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondent Nos.1 to 3 and Mr. JAGAN MOHAN REDDY KOTHA Advocate for the Respondent No.4,

W.P.No.24029 of 2021

Between:

1. Meena Kumari Mishra, W/o. Late Sri. Kishan Prasad Mishra
2. Guruprasad, S/o. Late Sri. Ram Prasad
3. Srinath Prasad Mishra, S/o. Late Sri. Ganesh Prasad Mishra
4. Raghunath Prasad Mishra, S/o. Late Sri. Ganesh Prasad Mishra

...Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Endowments Department, Secretariat, Saifabad, Hyderabad.
2. The Commissioner, Endowments, Endowment Department, Boggulakunta, Tilak Road, Hyderabad, Telangana.
3. The Additional Commissioner of Endowments, Endowments Department, Boggulakunta, Tilak Road, Hyderabad.
4. Assistant Commissioner Endowments Department, Government of Andhra Pradesh, Office of the Commissioner of Endowments Department, Tilak Road, Hyderabad.

...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 certiorari by:-

- (i) Declare that Sub-Rule 2 of Rule 22 the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal Rules 2010 as Ultravires to the Endowments Act, 1987 and also violative of Articles 14, 21 and 300A of Constitution of India and also violative of Section 87, 88 and 91 of Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987.
- (ii) Set aside proceedings letter No.9796/Endts.II(A1)/2020m dt,27.10.2020 received on 25.09.2021 and set aside the same by holding it illegal, arbitrary, unconstitutional, violative of Articles 14, 21 and 300A of Constitution of India and declared that the order passed by the Chairman, Endowments Tribunal in O.A.No.151/2010 Old O.A.No.11/2004 in the interest of justice.

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 No.9796/Endts.II(A1)/2020m dt: 27.10.2020 received on 25.09.2021 and direct the Respondent to continue the Petitioner as Hereditary Trustee (Founder), pending disposal of WP.No.24029 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 the order of the High Court order dated: 05.10.2021 made in I.A.No.1 of 2021 and 23.03.2022 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing M/s. AVADESH NARAYAN SANGHI Advocate for the Petitioners and Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondents,

W.P.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 District Judge, Telangana Endowments Tribunal, State of Telangana, Bumanna Lane Barkatpura Hyderabad.
4. Sri Baskarayani Narsimha Murthy, R/o. Sri Lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District.
5. B. Lakshmi Narasimha Rao, S/o. Late B. Anantha Ramaiah, 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, R/o. Jeedikal (Post), Lingalsganapur (Mandal) Warangal District.
7. The Assistant Commissioner Endowments, Nalgonda District, 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 Lr No BC1/336/2018 Dt 11-06-2020) to reconsider the matter in OA No 536/2012 in the light of Orders of the 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 writ 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 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.No.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 the order of the High Court order dated: 08.07.2022 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing M/s. G.K. DESHPANDE Advocate for the Petitioner, Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondent Nos.1 to 3 and 7, 8 and Mr. SARANG AFZULPURKAR Advocate for the Respondent Nos.4 to 6,

W.P.No.39435 of 2022

Between:

Sri. Seelam Satyanarayana Reddy, S/o. Pedda Achi Reddy

Petitioner

AND

1. The State of Telangana, Rep.by its Principal Secretary, Revenue Endowments Department, Secretariat Hyderabad.
2. The Chairman-Cum-District Judge, Telangana Endowments Tribunal Bhumannagalli, Barkatpura Behind Tuljabhavan Dharmashala, Hyderabad.

3. The Assistant Commissioner, Endowments Department, Khammam Town and District.
4. Sri Chandrasekhara Swamy Temple, Narapuneniipalli village, Wyra Mandal, Khammam District, 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 writ in the nature of certiorari/mandamus or any other nature declaring the:-

- (i) the letter of the 1st respondent No. 3572/Endts.II/A2/2020 Dt. 17.2.2021, issued to the 3rd Respondent learned Telangana Endowments Tribunal concurring with the orders passed by the Member as per rule 22 (2) of Telangana Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010, without considering the orders passed by the Judicial Member i.e, Chairman, passed in O.A.No. 751 of 2010 (Old O.A.No. 4 of 2010 D.C., Warangal) in the light of the orders passed by this Court in I.A.No.1 of 2019 in W.P.No.17474 of 2019 Dt. 16.8.2019, is illegal, unlawful, against the provisions of Constitution of India, Principles of natural justice and consequently liable to be set aside.
- (ii) Challenging the Rule 22 (2) of the A.P Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010 as adopted by the State of Telangana on the ground that it is unconstitutional being violative of Article 14 of Constitution of India and Ultra-Virus to Section 87 to 89 of Telangana State Charitable and Hindu Religious Institutions and Endowment Act, 30 of 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 judgments and
- (iii) Praying this court to confirm the order passed by the Chairman cum-district Judge in O.A.No.564 of 2011 (Old O.A.No.3 of 2010 D.C., Warangal) Dt. 3.12.2019 by setting aside/rejecting the order passed by the Administrative Member in O.A.No. 751 of 2010 (Old O.A.No. 4 of 2010 D.C., Warangal) Dt. 10.01.2020 on the file of the 3rd Respondent learned Telangana Endowments Tribunal at Hyderabad.

IA NO: 1 OF 2022:

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 letter of the 1st respondent No. 3572/Endts.II/A2/2020 Dt. 17.2.2021, issued to the 3rd Respondent learned Telangana Endowments Tribunal, Hyderabad by staying all further proceedings in O.A.No.751 of 2010 (Old 4 of 2010 before D.C, Warangal), pending disposal of WP.No.39435 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 the order of the High Court order dated: 14.11.2022 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing MR. SRINIVAS ALENOOR Advocate for the Petitioner, Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondent Nos.1 to 3 and Mr. J.R. MANOHAR RAO Advocate for the Respondent No.4,

W.P.No.39464 of 2022

Between:

1. Mandagondi Daivadeenam (Died per L.Rs),
2. Mandagondi Chandrashekar, S/o Mandagondi Daivadeenam,
3. Mandagondi Sreenivas, S/o Mandagondi Daivadeenam
4. Mandagondi Shivaramakrishna, S/o Mandagondi Daivadeenam,

Petitioners

AND

1. The State of Telangana, Rep.by its Principal Secretary, Revenue Endowments Department, Secretariat, Hyderabad.
2. The Chairman-Cum-District Judge, Telangana Endowments Tribunal Bhumannagalli, Barkatpura, Behind Tuljabhavan Dharmashala, Hyderabad.
3. The Assistant Commissioner, Endowments Department, Khammam Town and District.
4. Sri Chandrasekhara Swamy Temple, Narapunenipalli Village, Wyra Mandal, Khammam District, 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 writ in the nature of certiorari/mandamus or any other nature declaring the:

- (i) the letter of the 1st respondent No. 3572/Endts.II./A2/2020 Dt. 17/2/2021, issued to the 3rd Respondent learned Telangana Endowments Tribunal concurring with the orders passed by the Member as per rule 22 (2) of Telangana Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010, without considering the orders passed by the Judicial Member i.e, Chairman, passed in O.A.No. 563 of 2011 (Old O.A.No.2 of 2010 D.C., Warangal) in the light of the orders passed by this Court in I.A.No.1 of 2019 in W.P.No. 17474 of 2019 Dt. 16/8/2019, is illegal, unlawful, against the provisions of Constitution of India, Principles of natural justice and consequently liable to be set aside.

- (ii) Challenging the Rule 22 (2) of the A.P Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010 as adopted by the State of Telangana on the ground that it is unconstitutional being violative of Article 14 of Constitution of India and Ultra-Virus to Section 87 to 89 of Telangana State Charitable and Hindu Religious Institutions and Endowment Act, 30 of 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 judgments and
- (iii) praying this court to confirm the order passed by the Chairman cum-district Judge in O.A.No.563 of 2011 (Old O.A.No.2 of 2010 D.C., Warangal) Dt. 3/12/2019 by setting aside/rejecting the order passed by the Administrative Member in O.A.No.563 of 2011 (Old O.A.No.2 of 2010 D.C., Warangal) Dt. 10/01/2020 on the file of the 3rd Respondent learned Telangana Endowments Tribunal at Hyderabad.

IA NO: 1 OF 2022:

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 letter of the 1st respondent No.3572/Endts.II,/A2/2020 Dt. 17/2/2021, issued to the 3rd Respondent learned Telangana Endowments Tribunal, Hyderabad by staying all further proceedings in O.A.No.563 of 2011 (Old O.A.No.2 of 2010 before D.C, Warangal), pending disposal of WP.No.39464 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 the order of the High Court order dated: 28.10.2022 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing MR. SRINIVAS ALENOOR Advocate for the Petitioner, Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondent Nos.1 to 3 and Mr. J.R. MANOHAR RAO Advocate for the Respondent No.4,

W.P.No.39473 of 2022

Between:

Smt. Kadiyala Rukmini., W/o. Sreenivasa Rao

Petitioner

AND

1. The State of Telangana, Rep.by its Principal Secretary, Revenue Endowments Department, Secretariat Hyderabad.
2. The Chairman-Cum-District Judge Telangana, Endowments Tribunal Bhumannagalli, Barkatpura Behind Tuljabhavan Dharmashala, Hyderabad.

3. The Assistant Commissioner, Endowments Department, Khammam Town and District.
4. Sri Chandrasekhara Swamy Temp Narapunenipalli village, Wyra Mandal Khammam District, 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 writ in the nature of mandamus or any other nature declaring the:

- (i) the letter of the 1st respondent No.3572/Endts.II,/A2/2020 Dt. 17.2.2021, issued to the 3rd Respondent learned Telangana Endowments Tribunal concurring with the orders passed by the Member as per rule 22 (2) of Telangana Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010, without considering the orders passed by the Judicial Member i.e., Chairman, passed in O.A.No.564 of 2011 (Old O.A.No.3 of 2010 D.C., Warangal) in the light of the orders passed by this Court in I.A.No.1 of 2019 in W.P.No.17474 of 2019 Dt. 16.8.2019. is illegal, unlawful, against the provisions of Constitution of India, Principles of natural justice and consequently liable to be set aside.
- (ii) Challenging the Rule 22 (2) of the A.P Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010 as adopted by the State of Telangana on the ground that it is unconstitutional being violative of Article 14 of Constitution of India and Ultra-Virus to Section 87 to 89 of Telangana State Charitable and Hindu Religious Institutions and Endowment Act, 30 of 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 judgments and disagree on the merits of the matter and give conflicting judgments and
- (iii) praying this court to confirm the order passed by the Chairman-cum-district Judge in O.A.No.564 of 2011 (Old O.A.No.3 of 2010 D.C., Warangal) Dt. 3.12.2019 by setting aside/rejecting the order passed by the Administrative Member in O.A.No.563 of 2011 (Old O.A.No.2 of 2010 D.C., Warangal) Dt. 10.01.2020 on the file of the 3rd Respondent learned Telangana Endowments Tribunal at Hyderabad.

IA NO: 1 OF 2022:

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 letter of the 1st respondent No.3572/Endts.11,/A2/2020 Dt. 17.2.2021, issued to the 3rd Respondent learned Telangana Endowments Tribunal, Hyderabad by staying all further proceedings in O.A.No.564 of 2011 (Old 3 of 2010 before D.C, Warangal), pending disposal of WP.No.39473 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 the order of the High Court order dated: 28.10.2022 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing MR. SRINIVAS ALENOOR Advocate for the Petitioner, Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondent Nos.1 to 3 and Mr. J.R. MANOHAR RAO Advocate for the Respondent No.4,

W.P.No.39485 of 2022

Between:

1. Mandagondi Parthasarathi, (Died per L.Rs)
2. Mandagondi Kanakadurga, W/o Late S M Parthasarathi
3. Mandagondi Swarajyalakshmi, D/o late Sri M Parthasarathi
4. Mandagondi Srivalli, W/o Sri U SrinivasaRao
5. Chavali Krishna Veni, W/o. Sri Chavali Venkataramana
6. MandagondiSridevi, D/o Late Sri M Parthasarathi

Petitioners

AND

1. The State of Telangana, Rep.by its Principal Secretary, Revenue endowments Department, Secretariat Hyderabad.
2. The Chairman-Cum-District Judge, Telangana Endowments Tribunal Bhumannagalli, Barkatpura Behind Tuljabhavan Dharmashala, Hyderabad.
3. The Assistant Commissioner, Endowments Department, Khammam Town and District.
4. Sri Chandrasekhara Swamy Temple, Narapunenipalli village, Wyrā Mandal, Khammam District, 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 writ in the nature of certiorari/mandamus or any other nature declaring the:-

- (i) the letter of the 1st respondent No. 3572/Endts.II,/A2/2020 Dt. 17.2.2021, issued to the 3rd Respondent learned Telangana Endowments Tribunal concurring with the orders passed by the Member as per rule 22 (2) of Telangana Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010, without considering the orders passed by the Judicial Member i.e., Chairman, passed in O.A.No.750 of 2010 (Old O.A.No.1 of 2010 D.C., Warangal) in the light of the orders passed by this Court in I.A.No.1 of 2019 in W.P.No.17474 of 2019 Dt. 16.8.2019, is illegal, unlawful, against the provisions of Constitution of India, Principles of natural justice and consequently liable to be set aside.

- (ii) Challenging the Rule 22 (2) of the A.P Charitable and Hindu Religious Institutions and Endowment Tribunal Rules 2010 as adopted by the State of Telangana on the ground that it is unconstitutional being violative of Article 14 of Constitution of India and Ultra-Virus to Section 87 to 89 of Telangana State Charitable and Hindu Religious Institutions and Endowment Act, 30 of 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 judgments and
- (iii) praying this court to conform the order passed by the Chairman cum-district Judge in O.A.No.750 of 2010 (Old O.A.No.1 of 2010 D.C., Warangal) Dt. 3/12/2019 by setting aside/rejecting the order passed by the Administrative Member in O.A.No.750 of 2010 (Old O.A.No.1 of 2010 D.C., Warangal) Dt. 10/01/2020 on the file of the 3rd Respondent learned Telangana Endowments Tribunal at Hyderabad.

IA NO: 1 OF 2022 :

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 letter of the 1st respondent No.3572/Endts.II,/A2/2020 Dt. 17/2/2021, issued to the 3rd Respondent learned Telangana Endowments Tribunal, Hyderabad by staying all further proceedings in O.A.No.750 of 2010 (Old 1 of 2010 before D.C, Warangal), pending disposal of WP.No.39485 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 the order of the High Court order dated: 28.10.2022 made herein and upon hearing the arguments of Mr. VEDULA VENKATARAMANA Senior Counsel representing MR. SRINIVAS ALENOOR Advocate for the Petitioner, Ms. G. JYOTHI KIRAN learned GP FOR ENDOWMENTS for the Respondent Nos.1 to 3 and Mr. J.R. MANOHAR RAO Advocate for the Respondent No.4, the Court made the following.

ORDER:

Mr. Vedula Venkataramana, learned Senior Counsel; Mr. S.Sudeep Reddy, Mr. P.Yadagiri Rao, Mr. L.Prabhakar Reddy, Mr. K.Durga Prasad, Mr. D.B.Chaitanya, Mr. Avadesh Narayan Sanghi, Mr. G.K.Deshpande and Mr. Srinivas Alenur, learned counsel for the petitioners.

Ms. G.Jyothi Kiran, learned Government Pleader for Endowments; Mr. Ali Farooq, learned Government Pleader for Arbitration; Mr. J.R.Manohar Rao, learned Standing Counsel for Endowments; Mr. Jagan Mohan Reddy Kotha; and Mr. Sarang Afzulpurkar, learned counsel for the respondents.

The issue involved in this batch of writ petitions and appeal pertains to validity of Rule 22(2) of the Telangana Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2010 (briefly 'the Rules' hereinafter).

The background facts in which the aforesaid issue arises for our consideration are as under:

The Assistant Commissioner, Endowments filed an application seeking eviction of encroachers from the property belonging to different endowments under the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987. The Chairman of the Telangana Endowments Tribunal (hereinafter referred as 'the Tribunal'), who is a retired District Judge and a Member of the Tribunal heard the arguments. The Chairman of the Tribunal, by an order dated 02.12.2009, *inter alia* held that the petitioners and the appellant before us are not encroachers. However, the Member of the Tribunal differed with the Chairman, recorded a separate opinion on 03.12.2019 and held that the petitioners and appellant before us are encroachers.

In the aforesaid factual background, the issue with regard to validity of Rule 22(2) of the Rules arises for our consideration. For the facility of reference, Rule 22(2) of the Rules is extracted below:

Both the Chairman and Member should hear the arguments in the application and deliver the order signed by both of them or independently. In case of disagreement, the Chairman shall address the Government.

In sum and substance, the challenge of the petitioners/appellant to Rule 22(2) of the Rules is that a contingency in case of difference of opinion between the Chairman and the Member of Tribunal can only be provided by the Act and not by a subordinate legislation *i.e.*, Rules.

List on 06.09.2023

Interim order, if any, shall continue.

N.D.
SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. ✓ One CC to M/s. P. YADAGIRI RAO, Advocate [OPUC].
2. One CC to M/s. L. PRABHAKAR REDDY, Advocate [OPUC].
3. One CC to M/s. D.B. CHAITANYA, Advocate [OPUC].
4. One CC to M/s. AVADESH NARAYAN SANGHI, Advocate [OPUC].
5. One CC to M/s. G.K. DESHPANDE, Advocate [OPUC].
6. One CC to MR. SRINIVAS ALENOOR, Advocate [OPUC].
7. Two CCs to GP FOR ENDOWMENTS, High Court for the State of Telangana at Hyderabad [OUT].
8. Two spare copies
ZEE ✓

HIGH COURT

HCJ & TVKJ

DATED:03/08/2023

LIST ON 06.09.2023

ORDER

WRIT PETITION NOs: 25572, 40476 OF 2018, 17474 OF 2019, 14861 OF 2020, 24029 OF 2021 AND 28636, 39435, 39464, 39473 AND 39485 OF 2022.

INTERIM ORDER EXTENDED

