

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: W.P.Nos. 39464, 39473 & 39485 of 2022

PROCEEDING SHEET

S. No	DATE	ORDER	OFFICE NOTE
	28.10.2022	<u>HCJ & CVBR, J</u> <u>W.P.Nos. 39464, 39473 & 39485 of 2022</u> Heard Mr. Srinivas Alenur, learned counsel for the petitioners. Petitioners have challenged the legality and validity of the communication dated 17.02.2021 of the Secretary to the Government of Telangana, Revenue (Endowments-II Department) addressed to respondent No.2. <i>i.e.</i>, Chairman -cum- District Judge, Telangana Endowments Tribunal, Hyderabad. Additionally, petitioners have also questioned the <i>vires</i> of sub-rule (2) of Rule 22 of the Telangana Charitable ad Hindu Religious Institutions and Endowments Tribunal Rules, 2010 (briefly ‘the 2010 Rules’ hereinafter). On going through the 2010 Rules, we do not find any provision dealing with constitution of the Endowments Tribunal or number of members of the Endowments Tribunal. On the other hand, sub-rule (2) of Rule 22 thereof provides that both Chairman and Member of the Endowments Tribunal shall hear the arguments and deliver orders either jointly or independently. In case of disagreement, Chairman of the Endowments Tribunal shall address the Government. From the above, a view can be taken that the Endowments Tribunal comprises of a Chairman and a Member, the Chairman being a judicial officer of the rank	

	of District Judge. From a reading of the 2010 Rules, it is quite evident that Endowments Tribunal is a judicial body. In the event of disagreement between Chairman and Member of the Endowments Tribunal, Rule 22(2) of the 2010 Rules empowers the Chairman of the Tribunal to address the Government. <i>Prima facie</i>, we are of the view that in the midst of judicial adjudication by a judicial body, reference to the Government (executive authority) would defeat the very purpose of adjudication by the Endowments Tribunal. Such a course of action would not meet the requirements of a fair adjudicatory process. That apart, in so far the impugned communication is concerned, no reasons have been assigned by the Secretary to the Government of Telangana, Revenue (Endowments-II Department) as to why the Government has concurred with the orders passed by the Member and not with the view taken by the Chairman of the Telangana Endowments Tribunal, Hyderabad. Issue notice. Mr. S.Venkata Ramana, learned Government Pleader for Endowments waives notice for respondents No.1 to 3. Mr. J.R.Manohar Rao, learned Standing Counsel for Endowments waives notice for respondent No.4. List these matters along with W.P.Nos.40476/2018, 17474/2019, 14861/2020, 24029/2022 and 28636/2022	
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on 29.12.2022.

In the meanwhile, there shall be stay of further proceedings in O.A.Nos.563 & 564 of 2011 and 750 of 2010 pending on the file of Telangana Endowments Tribunal, Hyderabad.

HC J

CVBR, J

LUR/MRM

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