

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 67 OF 2005 IN Civil Appeal 5888/1999

CHITTOORI CHINA ATCHI RAJU

Petitioner(s)

VERSUS

G.VENKATASWAMY & ANR.

Respondent(s)

(With office report)

Date: 31/01/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

Mr. Vidya K. Sagar, Adv.

Mr. Vikramjeet, Adv.

Mr. B.D. Sharma, Adv.

For Respondent(s) Mr. A.D.N. Rao, Adv.

Mr. A. Ramesh, Adv.

Mr. T.N. Rao, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Contempt Petition stands disposed of in terms of the signed order.

Civil Appeal shall be posted for hearing in usual course.

(K.K. Chawla)

(Veera Ve

rma)

Court Master

Court Mas

ter

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (CIVIL) NO.67 OF 2005

IN

CIVIL APPEAL NO.5888 OF 1999

CHITTOORI CHINA ATCHI RAJU

Petitioner(s)

VERSUS

G.VENKATASWAMY & ANR.

Respondent(s)

O R D E R

The present Contempt Petition has been filed in Civil Appeal No.5888 of

1999 arising out of Special Leave Petition against the Judgment of the High Court of

Andhra Pradesh at Hyderabad dated 28th April, 1999. When the leave was granted in

the Special Leave Petition on 8th October, 1999, this Court passed an order which

reads as under:

Executive Officer shall not act except as per the directions of the Board of Trustees to be constituted in accordance with law in which the appellant as a member of the family of the founder shall be a member. Until such a Board is appointed the impugned order appointing an Executive Officer in respect of this Trust shall remain stayed."

Counsel for the Petitioner now submits that in spite of the aforesaid order passed by this Court, Assistant Commissioner, Endowments Department, Rajahmundry, passed an order appointing one Mr. G. Venkateswara Rao, as Executive Officer, a single Trustee instead of constituting Board of Trustees.

Counsel for the Respondents submits that this order was passed by virtue of the proviso to sub-section (3) of Section 15 of the Andhra Pradesh Charitable & Hindu Religious Institutions & Endowments Act, 1987 as a situation had arisen that the Board of Trustees could not be constituted.

We do not think that the action taken by the Assistant Commissioner was justified in view of the order passed by this Court on 8th October, 1999. This Court in its order made it very clear that the Executive Officer shall not act except as per the directions of the Board of Trustees to be constituted in accordance with law. No clarification was also sought from this Court for the appointment of a single Trustee. In this view of matter, pending the Appeal, there shall be a Board of Trustees and the

single Trustee appointed shall act as Executive Officer as per the directions of the

Board of Trustees.

The Contempt Petition stands disposed of accordingly.

Civil Appeal shall be posted for hearing in usual course.

.....J.
(K.G. Balakrishnan)

.....J.
(G.P. Mathur)

New Delhi;

January 31, 2006.