

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

[3393]

FRIDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL Nos: 849 AND 858 OF 2024

W.A.No. 849 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 13/06/2024 in the W.P.No. 8294 of 2023 on the file of the High Court.

Between:

The Executive Officer, Ujjaini Mahankali Temple, Secunderabad.

AND

...APPELLANT/RESPONDENT

1. Rakesh Agaiduty, S/o. Agaiduty Bicham, Aged 34 years, Occ Business, R/o. 6-2-503, New Boiguda, Near Venkateshwara Swamy Temple, Secunderabad 500003.

.....RESPONDENT/PETITIONER

2. The State of Telangana, Represented by its Principal Secretary, Endowment Department, Secretariat Building, Hyderabad.
3. The Commissioner, Endowments Department, Government of Telangana, Hyderabad.

...PROFORMA RESPONDENTS/RESPONDENTS

(R2 & R3 are proforma parties hence not necessary)

IA NO: 1 OF 2024

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 operation of orders of this Hon'ble Court passed in W. P. No. 8294 of 2023, Dt 18. 06. 2024 pending disposal of the present appeal

Counsel for the Appellant: SRI J. R. MONOHAR RAO (SC FOR ENDOWMENTS)

Counsel for the Respondent No.1: SRI C. RAMACHANDRA RAJU

Counsel for the Respondent Nos. 2&3: GP FOR ENDOWMENTS

W.A.No. 858 OF 2024

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against the Order Dated 13/06/2024 in W.P. No. 8292 of 2023 on the file of the High Court.

Between:

The Executive Officer, Ujjaini Mahankali Temple, Secunderabad.

...APPELLANT/RESPONDENT No.3

AND

1. N. Naveen Kumar, S/o. N. Satyanarayana, Aged 45 years, Occ. Business, R/o. 9-3-755, Rezimental Bazar, Near Santhoshi Matha Temple, Secunderabad.

.....RESPONDENTS/PETITIONER

2. The State of Telangana, Represented by its Principal Secretary, Endowment Department, Secretariat Building, Hyderabad.
3. The Commissioner, Endowments Department, Government of Telangana, Hyderabad. (R2 and R3 are Proforma parties hence not necessary.)
4. The State of Telangana, Represented by its Principal Secretary, Endowment Department, Secretariat Building, Hyderabad.

...RESPONDENTS/RESPONDENTS Nos.1&2

(R2& R3 are proforma parties hence not necessary)

IA NO: 1 OF 2024

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 operation of orders of this Honourable Court passed in W.P. No. 8292 of 2023, Dt. 13/06/2024 pending disposal of the present appeal

Counsel for the Appellant: SRI J. R. MONOHAR RAO (SC FOR ENDOWMENTS)

Counsel for the Respondent No.1: SRI C. RAMACHANDRA RAJU

Counsel for the Respondent Nos. 2&3: GP FOR ENDOWMENTS

The Court made the following: COMMON JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL Nos.849 and 858 of 2024

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. J.R.Manohar Rao, learned Standing Counsel for the Endowments Department for the appellant.

Mr. C.Ramachandra Raju, learned counsel for respondent No.1.

2. In these intra court appeals, the appellant has assailed the validity of the common order dated 13.06.2024 passed in W.P.Nos.8292 of 2023 and 8294 of 2023, by which the writ petitions preferred by respondent No.1 have been disposed of with the direction to the Executive Officer, Ujjaini Mahankali Temple, Secunderabad to extend the lease executed in favour of respondent No.1 for a period of five months with effect from 01.07.2024 to 30.11.2024 in view of memo dated 17.12.2021 issued by the State Government.

3. Facts giving rise to filing of these appeals briefly stated are that respondent No.1 were granted licenses for a period from 01.04.2020 to 31.03.2021 for collection of sarees and coconuts in the premises of Ujjaini Mahankali Temple, Secunderabad. However, on account of COVID-19 Pandemic, a nationwide lockdown was declared and the shops were closed in the years 2019 and 2020. The Commissioner, Endowments Department issued an order dated 26.04.2021 extending the licenses for a period of three months i.e., from 01.04.2021 to 30.06.2021. Thereafter, the State Government *vide* Memo No.14199/Endts.II/A2/2020 dated 17.12.2021 extended the licenses of respondent No.1 for a period of 292 days (from 21.03.2020 to 06.06.2020 and from 09.06.2020 to 10.10.2020 (202 days) and from 01.04.2021 to 30.06.2021 (90 days)).

4. It is the case of respondent No.1 that they were unable to avail of the benefit of extension of aforesaid period of 292 days. Therefore, the Commissioner, Endowments Department, Hyderabad issued proceeding *vide* L.Dis.No.C2/3814/2022 dated 29.11.2022 directing the

Executive Officer of Ujjaini Mahankali Temple, Secunderabad to follow the orders of the Government dated 17.12.2021. However, the Executive Officer instead of complying with the directions issued by the State Government, issued a tender notification dated 03.03.2023 inviting sealed tenders for the period from 01.04.2023 to 31.12.2023 for grant of licenses in respect of rights over collection of sarees and blouse pieces and collection of half coconut pieces for a period of one year.

5. Respondent No.1 thereupon filed the writ petitions namely W.P.Nos.8292 and 8294 of 2023, in which the validity of the tender notification dated 03.03.2023 was assailed and a direction was sought to the Executive Officer, Ujjaini Mahankali Temple, Secunderabad to extend the benefit of extension of licenses for a period of 292 days in terms of order issued by the State Government dated 17.12.2021. The learned Single Judge by a common order dated 13.06.2024 disposed of the writ petitions directing the Executive Officer, Ujjaini Mahankali Temple, Secunderabad to extend the period of license of respondent No.1 for five months with effect from 01.07.2024 to 30.11.2024 in the

light of memo dated 17.12.2021 issued by the State Government. In the aforesaid factual background, these intra court appeals have been filed.

6. Learned counsel for the appellant submitted that the Ujjaini Mahankali Temple, Secunderabad was open during the period from 21.03.2020 till 06.06.2020 and from 09.06.2020 to 10.10.2020 as well as in between the period from 01.04.2021 to 30.06.2021. Therefore, the question of granting the extension to respondent No.1 does not arise. Therefore, it is submitted that learned Single Judge has erred in directing the appellant to extend the period of license granted in favour of respondent No.1 for the period from 01.07.2024 to 30.11.2024.

7. We have considered the submissions made by learned counsel for the appellant and have perused the record.

8. It is not in dispute that any order issued by the State Government as well as Commissioner of Endowments

Department bind the appellant. The relevant extract of order dated 17.12.2021 reads as under:

“3. Therefore, Government after careful examination of the matter hereby agree with the proposal of the Commissioner Endowments Department for extension of lease/license period for a total of 292 days (21-03-2020 – 06-06-2020 and 09-06-2020 to 10-10-2020 (202 days) and 01-04-21 to 30-06-21 (90 days) for which temples were closed and Poojas/Sevas suspended for devotees as there was sharp fall in the visits of the devotees and negligible business activity in various major temples due to Covid-19 pandemic and lockdown imposed by Government of India/Government of Telangana.”

9. In pursuance of the aforesaid order, the Commissioner, Endowments Department had issued a memo dated 29.11.2022 directing the appellant to comply with the Government memo dated 17.12.2021. The appellant has not assailed the validity of the memo dated 17.12.2021. The aforesaid memo issued by the State Government undoubtedly binds the appellant and therefore, the appellant is bound to comply with the directions contained therein. Therefore, in the facts and circumstances of the case, the learned Single

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Judge with a view to put quietus to the controversy has issued the direction in following terms:

“18. Accordingly, these writ petitions are disposed of directing the respondents, particularly the 3rd respondent, to extend the lease period of the petitioners for a period of five months with effect from 01.07.2024 to 30.11.2024. There shall be no order as to costs.”

10. Therefore, no case for interference with the impugned direction issued by the learned Single Judge in these intra court appeals is made out.

11. In the result, the Writ Appeals fail and are hereby dismissed.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- M. MANJULA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Two CCs to GP FOR ENDOWMENTS High Court for the State of Telangana, at Hyderabad [OUT]
2. One CC to SRI. J. R. MONOHAR RAO, (SC FOR ENDOWMENTS) [OPUC]
3. One CC to SRI. C. RAMACHANDRA RAJU, Advocate [OPUC]
4. Two CD Copies
B M
GJP

CHR

HIGH COURT

DATED:19/07/2024

COMMON JUDGMENT

WA.No's.849 AND 858 OF 2024



DISMISSING BOTH THE WRIT APPEALS
WITHOUT COSTS

⑦ CHR
27/9/24