

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY ,THE THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL 1196 2023

Appeal Preferred Against the Order Dated 10.11.2023 in W.P. No. 19322 of 2023 on the file of the High Court.

Between:

Sree Seetha Ramachandra Swamy Vari Devasthanam, Rep. by its Executive Officer.Bhadrachalam, Bhadradi Kothagudem District.

...APPELLANT/RESPONDENT

AND

1. Golla Manmadha Rao, S/o. Golla Narasimha Rao, R/o. H. No. 1-1-90/1, Chaptadiguva, Bhadrachalam.

... RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Rep. by its Principal Secretary, Endowment Department, Secretariat Buildings, Hyderabad, TS.
3. The Commissioner of Endowments, Boggula Kunte Tilak Road, Hyderabad, State of Telangana.

(Respondents No. 2 and 3 Not Necessary Party in this Petition)

...RESPONDENTS/RESPONDENTS

IA No. 1 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 suspend the orders passed by the Honourable Single Judge in W.P. No. 19322 of 2023, Dt. 10/11/2023

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

Counsel for the Respondent No.1: SRI MUMMANENI SRINIVASA RAO

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1196 of 2023

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

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

Mr. Mummaneni Srinivasa Rao, learned counsel for respondent No.1.

2. With the consent of learned counsel for the parties, the matter is heard finally.

3. This intra court appeal has been filed against an order dated 10.11.2023 passed by the learned Single Judge in W.P.No.19322 of 2023, by which writ petition preferred by respondent No.1 has been allowed and the proceeding dated 20.07.2023 passed by the Commissioner of Endowments, Hyderabad for cancellation of respondent No.1's license has been quashed.

4. Facts giving rise to filing of this appeal briefly stated are that the appellant invited e-tenders for grant of license for a period of three years for maintenance of Sri Rama Nilayam Choultry at Bhadrachalam. Respondent No.1 participated in the auction and was declared as highest bidder. Thereupon, a license was granted to respondent No.1 for a period of three years.

5. The appellant issued a show cause notice dated 22.06.2023 to respondent No.1 and respondent No.1 submitted his reply on 26.06.2023. The appellant issued a final show cause notice on 08.07.2023. Respondent No.1 on receipt of the notice, submitted a representation on 15.07.2023 seeking one month's time to file a detailed explanation. Thereafter, respondent No.1 filed a writ petition namely W.P.No.19322 of 2023 challenging the action of the appellant in issuing impugned final notice dated 08.07.2024. The learned Single Judge by an order dated 10.11.2023 has allowed the writ petition and has quashed the order dated 20.07.2023 issued by the

Commissioner of Endowments, Hyderabad and has allowed the writ petition. Hence, this appeal.

6. Learned Standing Counsel for the appellant submitted that learned Single Judge ought to have appreciated that the appellant was merely a licensee and its rights to carry out any activity were subject to the conditions contained in the tender. It is further submitted that learned Single Judge grossly erred in directing the appellant to hand over the possession of subject Chowltry to respondent No.1 on the strength of a license. It is also urged that learned Single Judge ought to have appreciated that the appellant was well within its power to cancel the license under the terms and conditions of the tender.

7. On the other hand, learned counsel for respondent No.1 has submitted that the impugned order has been passed without giving any opportunity of hearing to respondent No.1. It is further submitted that the learned Single Judge has rightly set aside the order dated 20.07.2023 passed by the Commissioner of Endowments, Hyderabad.

8. We have considered the submissions made by learned counsel for the parties and have perused the record.

9. The issue whether or not respondent No.1 has committed violation of the terms and conditions of the tender has to be determined by the competent authority. The license granted to respondent No.1 has been cancelled on the strength of the order dated 20.07.2023 passed by the Commissioner of Endowments, Hyderabad.

10. Therefore, in the facts and circumstances of the case, it is directed that respondent No.1 shall file a reply to the final show cause notice dated 08.07.2023 issued by the appellant within a period of two (02) weeks from the date of receipt of copy of the order. Thereafter, the competent authority of the appellant-temple shall adjudicate the issue whether or not respondent No.1 has committed violation of the terms and conditions of the tender and shall take a fresh decision within a further period of three (03) weeks from the date of receipt of the reply to the show cause

notice dated 08.07.2023, if any, which may be submitted by respondent No.1. It is made clear that this Court has not expressed any opinion on merits of the matter.

11. To the aforesaid extent, the order dated 10.11.2023 passed by the learned Single Judge in W.P.No.19322 of 2023 is modified.

12. In the result, the Writ Appeal is disposed of.

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

//TRUE COPY//

SD/- K.SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Endowment Department, Secretariat Buildings, Hyderabad, TS.
2. The Commissioner of Endowments, Tilak Road, Hyderabad, State of Telangana.
3. One CC to SRI. J. R. MONOHAR RAO (SC FOR ENDOWMENTS) [OPUC]
4. One CC to SRI. MUMMANENI SRINIVASA RAO, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:03/10/2024



JUDGMENT

WA.No.1196 of 2023

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

⑦ Copy
Bm
8/10/22