
(1940) 02 MAD CK 0014
In the Madras High Court

The Hindu Religious Endowments Board	APPELLANT
Vs	
Namburu Krishnamacharyulu and Others	RESPONDENT

Date of Decision : 14-02-1940

Acts Referred:

Citation : AIR 1940 Mad 614 : (1940) 51 LW 560 : (1940) 1 MLJ 709

Hon'ble Judges : Pandrang Row, J

Bench : Division Bench

Judgement

Pandrang Row, J.—In this appeal which is preferred by the Hindu Religious Endowments Board, Madras, through its President the only

point pressed is that certain modifications in the scheme sanctioned by the District Judge of Guntur should be made. The scheme was one for the

management of the well-known temple of Sri Lakshmi Narasimhaswami at Mangalagiri in the Guntur District. This scheme has been in operation¹

from 1917 onwards (vide Ex. A the Rajinama scheme). The present suit was instituted by a worshipper with the sanction of the Board for the

removal of the existing trustees, for the appointment of proper trustees and for a modification of the scheme. The District Judge held that there was

no necessity to remove any of the trustees or to consider any of the prayers in the plaint except the prayer for a modification of the scheme and

directed certain modifications. It would appear that though the Board put its views before the Court in its written statement, nevertheless when the

case came up for hearing the Board was not represented by any one and the modifications made by the learned Judge in the Court below were

made without the advantage of the Board's suggestions in the matter.

2. The objection taken now in appeal relates to two different matters. One is to

the addition of certain words in paras. 18 and 19 to the original scheme and the other to the provision regarding the appointment of trustees contained in Clause (3) of the decree. Paras. 18 and 19 provide that the general power of supervision exercised by the Hindu Religious Endowments Board over the work of the trustees and in respect of the appointment of the staff should be subject to the final control of the District Judge for the time being. This restriction appears to be in conflict with the statute which gives absolutely unrestricted power of supervision to the Board in these matters and we therefore accept the appeal so far as this point is concerned and direct that the words ""subject to final orders of the District Judge for the time being"" and ""subject to the final control of the District Judge for the time being"" found in paras. 18 and 19 be deleted.

3. The other objection is to the provision contained in Clause 3 of the decree providing that the place of the retiring trustee should be filled by the District Judge after calling for applications and after considering the views of the Hindu Religious Endowments Board and the remaining trustees.

We do not think that there is anything really objectionable in this provision and we see no reason to interfere with this provision in the decree.

4. The parties will bear their own costs, and they will be at liberty to take their costs out of the endowment.