

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
(Special Original Jurisdiction)**

FRIDAY, THE TWENTIETH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HON'BLE DR JUSTICE K. MANMADHA RAO**

**WRIT PETITION Nos: 17993 AND 22803 OF 2013**



**WRIT PETITION NO: 17993 OF 2013**

**Between:**

Sree Vyasasramam, Yerpedu, Chittoor District, Rep by its Peetadhipathi Sri Paripoornandhagiri Swamy

**...PETITIONER**

**AND**

1. The Commissioner, Endowment Department Tilak Road, Hyderabad.
2. The Regional Joint Commissioner, Multi Zone - II, Endowment Department Tirupathi, Chittoor District.
3. The Assistant Commissioner and Executive Officer, Sri Boyakonda Gangamma Temple Diguvapalle, Chittoor District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of WRIT OF MANDAMUS, declaring the Proceedings of the 1<sup>st</sup> Respondent herein in Memo in Rc.No.D2/22379/2013, dated 20.06.2013, wherein 3<sup>rd</sup> Respondent herein is appointed as a Fit Person / In-Charge to administer the Petitioner / Aashramam without giving Notice / Opportunity as illegal, arbitrary, without jurisdiction, violative of Principles of Natural Justice, contrary to the provisions of The A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 and violative of Article 26 of the Constitution of India and consequently set aside the same.

**I.A. NO: 1 OF 2013(WPMP. NO: 21914 OF 2013)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of Memo in Rc. No. D2/22379/2013, dated 20.06.2013 issued by the 1<sup>st</sup> Respondent herein.

**I.A. NO: 1 OF 2014(WVMP. NO: 1018 OF 2014)**

**Between:**

1. The Commissioner, Endowment Department Tilak Road, Hyderabad.
2. The Regional Joint Commissioner, Multi Zone - II, Endowment Department Tirupathi, Chittoor District.

**...PETITIONERS/RESPONDENTS**

**AND**

1. Sree Vyasasramam, Yerpedu, Chittoor District, Rep by its Peetadhipathi Sri Paripoornandhagiri Swamy

**...RESPONDENT/PETITIONER**

2. The Assistant Commissioner and Executive Officer, Sri Boyakonda Gangamma Temple Diguvapalle, Chittoor District.

**...RESPONDENT/RESPONDENT**

**(Respondent /Respondent No.2 not necessary party in this petition)**

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 vacate the interim orders granted in WPMP No. 21914 of 2013 in W.P.No. 17993 of 2013 dt: 25-06-2013.

**Counsel for the Petitioner : SRI P. RAJASEKHAR**

**Counsel for the Respondents : GP FOR ENDOWMENTS**

**WRIT PETITION NO: 22803 OF 2013**

**Between:**

Sree Vyasasramam, Yerpedu, Chittoor District, Rep by its Peetadhipathi Sri Paripoornandhagiri Swamy.

**...PETITIONER**

**AND**

1. The Commissioner, Endowment Department, Tilak Road, Hyderabad.
2. The Regional Joint Commissioner, Multi Zone -11, Endowment Department Tirupathi, Chittoor District.
3. Sri E.Srinivas Rao, Regional Joint Commissioner Multi Zone - 11, Endowment Department Tirupathi, Chittoor District.
4. The Andhra Bank, Yerpedu Branch, Chittoor District, Rep by its Branch Manager Yerpedu, Yerpedu Mandal, Chittoor District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of WRIT OF MANDAMUS, to declare the action of the respondents through Proceedings in Rc.No.B3/2256/2013, dated 15.07.2013 issued by the Respondent No. 2 herein as also their action of instructing 4th Respondent / Bank to stop the operation of the Petitioner's Bank Account bearing A/c.No.065610011000002 without giving any notice or opportunity to Petitioner as illegal, arbitrary, without jurisdiction, unconstitutional, violative of Principles of Natural Justice and contrary to the provisions of The A.P. Charitable and Hindu Religious Institutions Endowments Act, 1987 and Article 26 of the Constitution of India and consequently direct the Respondents not to interfere with the affairs of the Petitioner / Aashramam in any manner including operation of its Bank Account in the interest of justice.

**I.A. NO: 1 OF 2013(WPMP. NO: 27975 OF 2013)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to DIRECT the Respondents herein to allow the Petitioner / Aashramam to operate its Bank Accounts pending disposal of the present Writ Petition.

**Counsel for the Petitioner : SRI P. RAJASEKHAR**

**Counsel for the Respondent Nos.1 & 2 : GP FOR ENDOWMENTS**

**Counsel for the Respondent No.3 : NONE APPEARED**

**Counsel for the Respondent No.4 : SRI V. RAGHU**

**The Court made the following: COMMON ORDER**

**\*HIGH COURT OF ANDHRA PRADESH :: AMARAVATI****+WRIT PETITION Nos.17993 & 22803/2013**

WP No.17993/20213

Between:

# Sree Vyasasramam, Yerpedu

Chittoor District, rep. b its Peetadhipathi

Sri Paripoornanandhagiri Swamy

... Petitioner

And

\$ The Commissioner, Endowment Department, Tilak Road,

Hyderabad and 2 others.

.... Respondents

JUDGMENT PRONOUNCED ON **20.12.2024****THE HON'BLE DR.JUSTICE K. MANMADHA RAO**

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? - Yes -
2. Whether the copies of judgment may be marked to Law Reporters/Journals - Yes -
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? - Yes -

\* THE HON'BLE DR.JUSTICE K. MANMADHA RAO

+WRIT PETITION Nos.17993 & 22803/2013

% 20.12.2024

WP No.17993/2013 :

# Sree Vyasasramam, Yerpedu,

Chittoor District, rep. b its Peetadhipathi

Sri Paripoornanandhagiri Swamy

... Petitioner

And

\$ The Commissioner, Endowment Department, Tilak Road,

Hyderabad and 2 others.

.... Respondents

! **Counsel for the Petitioner :** Sri P. Rajasekhar

! Counsel for Respondents: G.P for Endowments

<Gist :

>Head Note:

? Cases referred: 1. 1997 (1) ALT 451

2. 2006 (2) ALT 588

APHC010354582013



IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)

[3310]

FRIDAY, THE TWENTIETH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 17993/2013 & 22803/2013

WP No.17993/2013:

Between:

Sree Vyasasramam,

...PETITIONER

AND

The Commissioner and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P RAJASEKHAR

Counsel for the Respondent(S):

1.GP FOR ENDOWMENTS

The Court made the following:

COMMON ORDER :

As the issue involved in both the writ petitions is one and the same, and therefore, they are being taken up for hearing as well as disposed of by way of this Common Order.

2. Since the facts in both the writ petitions are similar and identical, therefore WP No.17993 of 2013 is taken as lead case, and the facts therein hereinafter will be referred to for convenience.

3. Brief facts of the case are that, the Petitioner/Aashramam is located in an extent of Ac.45.00 cents at Yerpedu Village and Mandal, Chittoor District. The activities undertaken by the Aashramam/Math are being appreciated and no exception or complaint is made by disciples or donors or beneficiaries of the activities of Petitioner/ Aashramam. It is stated that, earlier, One Sri Munirathnam Naidu, who himself styled as Ramananda Swamy, who was looking after the construction work at Go-Garbham, Tirumala belonging to this Petitioner/ Aashramam, collected lakhs of rupees from devotees and swallowed the same. Then the petitioner removed the said Ramananda Swamy as he misappropriated the donations. Later, as the said Ramanadha Swamy started in interfering with the administration of Petitioner/Aashramam, the petitioner/Aashramam filed suits and restrained the said persons from interfering. Having failed in his attempts, the said Ramananda Swamy encouraged some unknown persons to complain against Petitioner/Aashramam with false and baseless imaginary allegations. Later, as per the directions of the 1<sup>st</sup> Respondent, the officials of Police Department and Education Department, conducted enquiries and held that the allegations are baseless and incorrect. But, again the said persons have filed a petition with same set of allegations before the Hon'ble Human Rights Commission. Subsequently, the Hon'ble Commission called for report from the 1<sup>st</sup> Respondent herein and later as per the directions of the 1<sup>st</sup> respondent, the Inspector of Endowment Department, Tirupathi, on 10.02.2010 has conducted enquiry and submitted a report to the Hon'ble Commission vide Letter in Rc.No.H2/ 2178/2010, dated 11.08.2010. While so, again the same set of allegations were leveled against the Petitioner/ Aashramam and in spite of earlier

enquiry reports, the 1<sup>st</sup> Respondent appointed the 2<sup>nd</sup> Respondent as an Enquiry Officer and the 2<sup>nd</sup> Respondent completed the enquiry, except submitting report. At that time, the 2<sup>nd</sup> Respondent herein expressed his inability to conclude the enquiry as he received threatening calls from the persons who made baseless allegations against the Petitioner / Aashramam. Accordingly, the 1<sup>st</sup> Respondent, contrary to provisions of Endowments Act, appointed another Enquiry Officer and directed to start enquiry afresh, through Proceedings in Rc. No.B1/47/2013, dated 22.01.2013. In view of the circumstances, the petitioner has preferred WP No.2245 of 2013 before this Court, and this Court, vide order dated 01.02.2013, after considering the material on record and also considering the facts and circumstances, has suspended the operation of the impugned order and the 3<sup>rd</sup> respondent was refrained from proceeding any further in the matter.

While the matter stood thus, the 1<sup>st</sup> Respondent through impugned proceedings appointed the 3<sup>rd</sup> Respondent herein as Fit Person / In-charge of the Petitioner / Aashramam and directed to assume the complete charge of administration of the Petitioner/ Aashramam. The sum and substance of the impugned order is that there are certain allegations on the Secretary of the Petitioner / Aashramam, viz., S.Amaranatha Reddy and basing on a report of the Regional Joint Commissioner/ 2<sup>nd</sup> Respondent herein, the 1<sup>st</sup> Respondent appointed the 3<sup>rd</sup> Respondent as Fit Person to set right the administration of the Petitioner / Aashramam and also directed the 3<sup>rd</sup> Respondent herein to assume the complete charge of the Petitioner/Aashramam. But, the 1<sup>st</sup> respondent herein has no statutory power or jurisdiction to interfere with the affairs of the Petitioner/Aashramam. The 3<sup>rd</sup> respondent in the absence of Mathadhipathi of

the petitioner/Aashramam, who was on religious tour, entered into the Petitioner's Ashramam premises and he himself assumed the charge and interfering with the day today administration of the petitioner Aashramam. Questioning the very appointment of the 3<sup>rd</sup> respondent, the present writ petition came to be filed.

4. The pleadings which are cited by the petitioner in WP No.17993 of 2013, the same are adopted by the petitioner in another writ petition i.e., W.P.No.22803 of 2013.

5. This Court vide order dated 25.06.2013, while issuing Rule Nisi, has granted interim suspension as prayed for in WPMP No.21914 of 2013 in WP No.17993 of 2013.

6. Vide order dated 01.08.2013 in WPMP No.27975 of 2013 in WP No.22803 of 2013 this Court, while issuing Rule Nisi has granted interim direction as prayed for.

7. The counter affidavit has been filed by the 1<sup>st</sup> respondent in WP No.17993 of 2013. While denying the allegations made in the petition, submits that, the 2<sup>nd</sup> respondent submitted a report to the 1<sup>st</sup> respondent vide his letter dated 05.06.2013 regarding mis-management of Sri Vyasaramam, Yerapadu (V&M) Chittoor District and requested to avoid bad reputation of the Ashramam in the eyes of public and to stop such allegations against the management after entering Sri Amarnath Reddy as Secretary in the administration of the Institution and suggested to post an Officer as Fit Person with cheque power immediately to look after the administration of the Ashramam without any complications. Basing on the report of the 2<sup>nd</sup> respondent, 1<sup>st</sup> respondent issued orders vide Rc.No.D2/

22379/2013, dated 20.06.2013 appointing the 3<sup>rd</sup> respondent herein as Fit Person to Sri Vyasasramam, Yerpedu (V & M), Chittoor District to set right the administration of the Ashramam until further orders. Hence, the Petitioner cannot question the proceedings of the 1<sup>st</sup> respondent herein as they were issued in the interest of administration and the orders issued by the 1st respondent are perfectly valid. The contention of the petitioner that no notice was issued to him before issuing the impugned proceedings is not correct. From 2010 onwards, the concerned Inspector and Asst. Commissioner and the 2<sup>nd</sup> respondent herein issued several notices to conduct enquiry against the mis-management of the institution on the allegations from the public as well as public representatives. But, the petitioner has not co-operated with the Department Officials and failed to furnish the accounts and evaded to produce the records on the pretext that the Secretary is not available or hospitalized etc., as it is a serious and a major issue in the District, the 1<sup>st</sup> respondent issued the impugned orders only in the interest of public service and better administration. In view of the above facts, prayed to dismiss the writ petition as there are no merits.

8. The counter affidavit has been filed by the respondents No.2 and 3 in WP No.22803 of 2013 denying all the allegations made in the petitions. While adopting the averments made in the counter of the 1<sup>st</sup> respondent, *inter alia*, contended that, as per schedule of enquiry, the 2<sup>nd</sup> respondent has proceeded to the subject institution on 3.11.2012 enquired into the matter and also recorded the statements of Sri Paripoornandhagiri Swamy. At this juncture, before the Print media Sri Gali Ravi along with his followers expressed the view that the enquiry by the 2<sup>nd</sup> respondent is biased. Hence, the 2<sup>nd</sup> respondent requested

the 1<sup>st</sup> respondent to appoint any other officer to conduct the enquiry. Basing on the said request, the 1<sup>st</sup> respondent has appointed Sri S.S. Chandra Sekhar Azad, Joint Commissioner & Executive Officer, Sri Tirupatamma Ammavari Temple, Penuganchiprolu, as Enquiry Officer vide in Rc.No.B5/33454/2012-1, dated 19.12.2012. But to stall the said enquiry, Sri Paripoornandhagiri Swamy along with Sri M.Amaranth Reddy have filed W.P.No.2245 of 2013 before this Court and obtained interim orders on 01.02.2013. It is further stated that the petitioner failed to submit monthly receipts & Charges statement and also failed to pay statutory payments. Under the said compelling circumstances to protect the interest of subject institution, the bank operations have been stopped. The contention of the petitioner is that no notice was served on him before passing the impugned order was passed also holds no water, since already the 2<sup>nd</sup> respondent and the Inspector Endowments Department, Tirupati issued notices visited the subject Aashramam several times and requested for accounts for verification, but at on no occasion, the petitioner cooperated with the Endowment Department Officials and furnished accounts, but evaded to produce the same on the pretext that the Manager Sri M. Amarnatha Reddy, is not available or hospitalized, hence under the said circumstances, the 1<sup>st</sup> respondent to protect the interest of the institution, issued the impugned orders. It is further stated that the 3<sup>rd</sup> respondent has no personal interest in the affairs of the Ashramam and has been discharging only the official duties as 2<sup>nd</sup> respondent. And also as per instructions of the 1<sup>st</sup> respondent only, he visited the petitioner Ashramam and conducted enquiry strictly as per rules. Therefore arraying the 2<sup>nd</sup> respondent in

the personal capacity as 2<sup>nd</sup> respondent is unwarranted and unjustified. Therefore, prayed to dismiss the writ petitions.

9. Heard Sri P. Rajasekhar, learned counsel appearing for the petitioner/Aashramam and learned Government Pleader for Endowments appearing for the respondents.

10. On hearing, learned counsel for the petitioner while reiterating the averments made in the petitions, contended that, the impugned action of the 1<sup>st</sup> respondent in appointing the 3<sup>rd</sup> respondent as complete In-charge of Administrator of the Petitioner/Aashramam amounts to interfere with the secular administration of the petitioner/aashramam, and it is in violation of Article 226 of the Constitution of India. He submits that, under the scheme of Act 30 of 1987, the 1<sup>st</sup> respondent cannot exercise his general power which is always controlled and regulated by other provisions of the Act, in particular, Chapter V of the Act 30 of 1987. Therefore, the impugned order passed by the 1<sup>st</sup> respondent is only without jurisdiction. Learned counsel for the petitioner, on instructions, would submit that, the right to manage the Math is a fundamental right, guaranteed under Article 26 of the Constitution of India and that right cannot be abdicated or waived even with the consent of the petitioner. He further submits that the 3<sup>rd</sup> respondent even in the absence of Mathadhipathi of the petitioner/Ashramam, who was on religious tour, entered into the petitioner/Aashramam premises and he himself assumed the charge and interfering with the day to day administration of the petitioner/Aashramam. The petitioner is entitled to administer the affairs of

the ashramam and therefore, the very appointment of 3<sup>rd</sup> respondent is highly illegal and arbitrary.

11. To support his contentions, learned counsel for the petitioners has placed reliance on **H.H.Jagadguru Channa Basava Mahaswamy, Matadhipathi, Sri Gavi Math Samasthanam, Uravakonda, Anantapur District vs. Commissioner of Endowments, Andhra Pradesh, Hyderabad and others<sup>1</sup>**, wherein the High Court of Judicature, Andhra Pradesh at Hyderabad was held that:

The Endowment Commissioner by his order dated 28-12-1991 impugned in W. P. No. 2825 of 1992 appointed the Deputy Commissioner, Endowments, Kurnool to be incharge of the affairs of the Gavimath and by his order dt. 10-8-1992 impugned in W. P. No. 1496/93 permitted the third respondent herein to perform only religious and spiritual functions of the Matadhipathi. In the latter order, the Endowment Commissioner has further directed that the third respondent shall not have any right to interfere in the secular administration of the math. The effect of these two orders is to detach the personal beneficial interest of the Matadhipathi sanctioned by customs, usages and Sampradayams from that office and thereby reducing the status of the Matadhipathi to that of a poojari in a temple. The Endowment Commissioner has done this despite he being of the tentative opinion that the third respondent was validly nominated by the predecessor Matadhipathi as his Uttaradhikari and he was functioning as such on the date of demise of the predecessor Matadhipathi. A Matadhipathi has not only duties to discharge in connection with the endowment but he has a personal interest of a beneficial character which is sanctioned by custom and Sampradayam. The Supreme Court in the The Commissioner, Hindu Religious Endowments, Madras Vs. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt., observed paras 11 and 12 as under:

"11..... Thus in the conception of Mahantship, as in Shebaitship, both the elements of office and property, of duties and personal interest are blended together and neither can be detached from the other. The personal or beneficial interest of the Mahant in the endowments attached to an institution is manifested in his large powers of disposal and administration and his right to create derivative tenures in respect of endowed properties; and these and other rights of a similar character invest the office of the Mahant with the character of proprietary right which, though anomalous to some extent, is still a genuine legal right.

12..... It is true that the beneficial interest which he enjoys is appurtenant to his duties and as he is in charge of a public institution, reasonable restrictions can always be placed upon his rights in the interest of the public. But the restrictions would cease to be reasonable if they are calculated to make him unfit to discharge the duties which he is called upon to discharge. A Mahant's duty is not simply to manage the temporalities of a Math. He is the head and superior of spiritual fraternity and the purpose of Math, is to encourage and foster spiritual training by maintenance of a competent line of teachers who could impart religious instructions to disciples and followers of the Math and try to strengthen the doctrines of the particular school or order, of which they profess to be adherents. This purpose cannot be served if the restrictions are such as would bring the Matadhipathi down to the level of a servant under a State department. It is from this standpoint that the reasonableness of the restrictions should be judged."

Sections 52, 53 and 54 specifically deal with filling of temporary and permanent vacancies in the office of the Matadhipathi. The general powers of superintendence and control granted to the Endowment Commissioner u/s 8 of the Act are subject to the other provisions of the Act. In other words,

<sup>1</sup> 1997 (1) ALT 451

the power granted to the Endowment Commissioner u/s 8 are subject to the provisions of Sections 52, 53 and 54 of the Act. The provisions of Section 8 are general provisions whereas the provisions of Sections 52, 53 and 54 are special provisions. When an Act contains a general enactment relating to the whole subject matter of the statute, and also a specific and particular enactment relating to certain special matters, the general enactment should yield to the particular or specific enactment. Since Sections 52, 53 and 54 deal specifically with filling of temporary and permanent vacancies in the office of Matadhipathi, the Endowment Commissioner is required to act under those provisions only within the limitations specified in those sections and he cannot resort to the general provisions contained u/s 8 of the Act.

(ii) Learned counsel for the petitioner has also relied upon another decision reported in **H.H. Arjun Doss Mahant, Disciple of Guru Devender Dass, Sri Swamy Hathiramji Math, Tirumala, Tirupati v. Commissioner of Endowments, Endowment Department, Hyderabad and others**<sup>2</sup>.

12. Learned counsel for the petitioner while relying upon the above decision, submits that, under the scheme of Act 30 of 1987 the 1<sup>st</sup> respondent cannot exercise his general power which is always controlled and regulated by other provisions of the Act. Therefore, the impugned order passed by the 1<sup>st</sup> respondent is liable to be set aside and hence requests this Court to pass appropriate orders.

13. On the other hand, learned Government Pleader appearing for the respondents reiterated the averments made in the petition and opposed for allowing the writ petitions. He further submits that, the 3<sup>rd</sup> respondent has no personal interest in the affairs of the Ashramam and has been discharging only the official duties as 2<sup>nd</sup> respondent. He further submits that, as per instructions of the 1<sup>st</sup> respondent, the 2<sup>nd</sup> respondent visited the petitioner/ashramam and conducted enquiry strictly as per rules. As per provisions of Section 139, the Commissioner, Additional Commissioner, Regional Joint Commissioner, Deputy

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<sup>2</sup> 2006 (2) ALT 588

Commissioner or an Assistant Commissioner shall be entitled to enter at any time between 09.00 AM to 06.00 PM, any premise of the institution or Endowment and to inspect in any public office any record, register or other document or any movable or immovable property relating to a charitable or religious institution or endowment. Hence the 2<sup>nd</sup> respondent is having jurisdiction over the Ashramam and can insist the deponent to produce accounts and records for verification by issuing notice within the ambit of above provisions. Learned Government Pleader mainly contended that in view of the interim order of this Court dated 01.08.2013 the petitioner deponent had drawn lakhs of rupees without submitting the details of the expenditure, as already submitted above till date, the deponent had not submitted proper budget proposals or given the records called upon for verification.

14. Learned Government Pleader further submits that, the contention of the petitioner that as per chapter V of A.P.C&H R.1& Endowments Act 1987, no powers and jurisdiction is vested in 1<sup>st</sup> respondent to appoint any endowment official to administer the affairs of the subject institution is devoid of merits. Sections 8 and 55 of the Act give ample power to the Respondents to pass necessary orders even against a Mutt. Therefore the orders passed by the Respondents from time to time are legal, valid and are as per law. Under the above circumstances, learned Government Pleader prayed to dismiss the writ petitions.

15. On hearing the submissions and on a perusal of the material on record, this Court observed that, some anti social elements who are inimical to

the Asramam have made false allegations to defame the Ashramam and His Holiness Peethadhipathi. On a perusal of the impugned proceedings, it is observed that, there are certain allegations on the Secretary of the petitioner/Ashramam and basing on a report of the 2<sup>nd</sup> respondent the 1<sup>st</sup> respondent appointed the 3<sup>rd</sup> respondent as Fit person to set right the administration of the petitioner/Ashramam and also directed the 3<sup>rd</sup> respondent to assume the complete charge of the petitioner/Aashramam. Moreover, the 1<sup>st</sup> respondent herein has no statutory power or jurisdiction to interfere with the affairs of the Petitioner/Aashramam.

16. The general powers of Superintendence and control granted to the Endowment Commissioner under Section 89 of the Act are subject to the other provisions of the Act. IN Section 8 are subject to the provisions of Sections 52, 53 and 54 of the Act. Sections 52, 53 and 54 are special provisions. When an Act contains a general enactment relating to the whole subject matter of the statute, and also a specific enactment should yield to the particular or specific enactment. Since sections 52, 53 and 54 deal specifically with filing of temporary and permanent vacancies in the office of Matadhipathi, the Endowment Commissioner is required to act under those provisions only within the limitations specified in those sections and he cannot resort to the general provisions contained under Section 8 of the Act. It is well settled that when a public authority exercises a power that power should be traced to an authority granted by Law.

17. In view of the foregoing discussion, this Court is inclined to allow the writ petitions while declaring the impudent proceedings in both the writ petitions as illegal and arbitrary.

18. Accordingly, both the Writ Petitions are allowed. The impugned proceedings in both the writ petitions are hereby set aside. Further, the respondents are directed not to interfere with the affairs of the petitioner/Aashramam in any manner including operations of its Bank Account. There shall be no order as to costs.

19. As a sequel, all the pending miscellaneous applications shall stand closed.

//TRUE COPY//

SD/- K. TATA RAO  
DEPUTY REGISTRAR  
SECTION OFFICER

**One Fair Copy to the HON'BLE DR. JUSTICE K.MANMADHA RAO  
(For His Lordship's kind perusal)**

To,

1. The Commissioner, Endowment Department, Vijayawada.
2. The Regional Joint Commissioner, Multi Zone - II, Endowment Department Tirupathi, Chittoor District.
3. The Assistant Commissioner and Executive Officer, Sri Boyakonda Gangamma Temple Diguvapalle, Chittoor District.
4. The Branch Manager, Andhra Bank, Yerpedu Branch, Chittoor District, Yerpedu, Yerpedu Mandal, Chittoor District.
5. One CC to Sri P. Rajasekhar, Advocate [OPUC]
6. Two CCs to GP for Endowments, High Court of Andhra Pradesh. [OUT]
7. One CC to Sri V. Raghu, Advocate (OPUC)
8. 9 L.R. Copies.
9. The Under Secretary Union of India, Ministry of Law, Justice & Company Affairs, New Delhi.
10. The Secretary, A.P. High Court Advocates Association, High Court of A.P. at Amaravati, Guntur District.
11. Three C.D. Copies.

Cnr

**HIGH COURT**

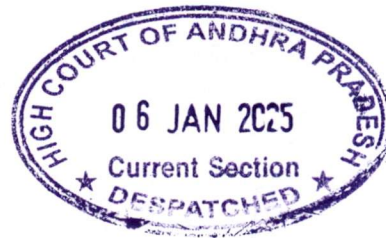
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**DATED:20/12/2024**

**L.R. COPIES**

**COMMON ORDER**

**WP.Nos.17993 and 22803 of 2013**



**ALLOWING THE W.Ps  
WITHOUT COSTS**