

APHC010123782023



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

[3458]

FRIDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 6278/2023

Between:

1. VARANASI SARATH KUMAR, S/O., LATE LAKSHMI SIVA NARAYANA, AGED 50 YEARS, OCC ARCHAKA, RESIDENT OF UMA MAHESWARA SWAMIVARI DCVASTHANAM, CHOWTRA CENTER, NEAR OLD GOVERNMENT HOSPITAL, CHILAKALURIPET TOWN AND MANDAL, GUNTUR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF ENDOWMENTS, SECRETARIAT, VELAGAPUDI, AMARAVATHI.
2. THE COMMISSIONER ENDOWMENTS, GOVERNMENT OF ANDHRA PRADESH, VIJAYAWADA, ANDHRA PRADESH.
3. THE DEPUTY COMMISSIONER, ENDOWMENTS DEPARTMENT, GUNTUR, GUNTUR DISTRICT.
4. THE DISTRICT ENDOWMENT OFFICER, (ASSISTANT COMMISSIONER ENDOWMENTS), GOVERNMENT OF ANDHRA PRADESH, PALNADU DISTRICT, NARSARAOPET, PALNADU DISTRICT.
5. SRI UMA MAHESWARA SWAMY VARI DEVASTHANAM, (SRI UMAMAHESWARA AND SRI KANYAKAPARAMESWARI AMMAVARI TEMPLE), CHOWTRA CENTER, NEAR OLD GOVERNMENT HOSPITAL, CHILAKALURIPET TOWN AND MANDAL, PALNADU DISTRICT REPRESENTED BY ITS SINGLE TRUSTEE/EXECUTIVE OFFICER.
6. SRI VASAVI KANYAKA PARAMESWARI DHARMA SANGHAM,

REPRESENTED BY ITS PRESIDENT, MR.P.VENKATA SURYA PRAKASA RAO, S/O., VENKATESWARLU, HIGH SCHOOL ROAD, CHILAKALURIPET, PALNADU DISTRICT.

...RESPONDENT(S):

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 more particularly in the nature of Mandamus declaring the a) action of the 3rd Respondent in so far as recommending to the 2nd Respondent through Lr.in Rc.No.A1/ENDW-NADM/5/2023 dt.07-01-2023 recognizing Sri Kanyakaparameswari Ammavaru which is the part of the 5th Respondent Devasthanam/Temple, treating separately as Sri Kanyakaparameswari Ammavari Temple under independent management of the 6th Respondent and the 2nd Respondent through proceedings R.Dis.No.D3/COE 14021 (42) /10/2022 dt.22-02-2023 granting exemption to the 6th Respondent from the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 except section 80 in terms of G.O.Ms.No.306, Rev(Endts-II), Dept, dt.05-11-2021. b) the action of the Respondent No.6 in forcibly taking the premises key of .Sri Kanyakaparameswari Ammavaru. from the Petitioner upon the oral instructions of the 2nd respondent and in the presence of the Executive Officer of the 5th Respondent on 13-03-2023 on the premise of the proceedings of the 2nd Respondent dt.22-02-2023 as illegal, arbitrary, without jurisdiction and violative of Articles 14 and 21 of the Constitution of India apart from being violative of principles of natural justice and set aside the proceedings of the 2nd and 3rd Respondents dt.07-01- 2023 and 22-02-2023 respectively in so far as recognizing .Sri Kanyakaparameswari Ammavaru. which is the part of the 5th Respondent Devasthanam/Temple, treating separately as Sri Kanyakaparameswari Ammavari Temple under independent management of the 6th Respondent and granting exemption to the 6th Respondent from the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 except section 80 in terms of G.O.Ms.No.306, Rev(Endts-II), Dept, dt.05- 11-2021 and consequently direct the Respondents not to interfere with the Archaka Services being rendered by the Petitioner to the Deities and Sub-Deities including .Sri Vasavi Kanyakaparameswari Ammavaru. as well in the premises of 5th Respondent Devasthanam/Temple and pass

IA NO: 1 OF 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 direct the respondents to forthwith process and release the pending bills of 1) Rs. 7,90,219/- for Removal of Water Hyacinth and Desilting

of Irrigation Cum Yellavakatava near Kothapalli Village limits in T.P.Gudur Mandal of SPSR Nellore District 2) Rs.9,05,972/- for Removal of Weed and Sholes to channel Allipuram load Regulator to Kodur tank in T.P. Gudur mandal of SPSR District 3) Rs.4,71,074/- for Removal of Water Hyacinth of Bandepalli Branch Canal in manubolu Mandal of SPSR Nellore District 4) Rs.17,49,871/- for Removal of water Hyacinth of Kanupur Main Canal from Km.0.000 to Km 11.000 Kanupur Main Canal in Podalkur Mandal of SPSR Nellore, 5) Rs.11,51,885/- for Removal of water Hyacinth of thikkavarapadu Branch Canal from Km.3,900 to Km.17.490 in Venkatachalam Mandal of SPSR Nellore District, 6)Rs.9,39,174/- for Removal of water hyacinth of Kanupur Main Canal from Km 35.600 to Km 55.000 in Venkatachalam Mandal of SPSR Nellore District, 7) Rs.8,31,395/- for Removal of weed (Water Hyacinth) and desilting of off Take channel of Mogallagandi Anicut in Manubolu Mandal of SPSR Nellore District, 8) Rs.3,76,581/- for Desilting of bangaramma Tank Supply Channel of L.N.Puram village in Manubolu Mandal of SPSR Nellore District, 9) Rs.5,16,524/- for Removal of weed and desilting of R/ s off Take channel near Mekapothulagandi in Manubolu mandal of SPSR Nellore District 10) Rs. 1,67,537/- for Removal of Weed of Vinuvuru village limits of Podalkur Mandal of SPSR Nellore District, 11) Rs.1,25,870/- for removal of weed of Surayapalem branch channel in Surayapalem village limits of Podalakur Mandal of SPSR Nellore District, 12) Rs. 4,66,999/- for removal of weed of viruvuru River branch Channel from Km.0.000 to Km 8.460 in Chejarla Mandal of SPSR Nellore District and pass

IA NO: 2 OF 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 pass an Order to STAY of all the further proceedings in the Impugned Crl M.P. No. 73/2022 on the file of Chief Metropolitan Magistrate Court at Visakhapatnam pending disposal of the main Writ Petition in the interest of the justice and to pass

IA NO: 3 OF 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 receive the counter copies on record by allowing the leave petition in the above writ petition and pass

IA NO: 4 OF 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 vacate the Interim orders passed in IA No. 2/2023 in WP No. 6278/2023 dated 15-03-2023 and dismiss the writ petition and pass

Counsel for the Petitioner:

- 1.SRICHARAN TELAPROLU

Counsel for the Respondent(S):

- 1.V V N NARASIMHAM
- 2.GP FOR ENDOWMENTS
- 3.DEVI SUBHASHINI ANNE SC For Endowments

WRIT PETITION NO: 15869/2022**Between:**

- 1.VARANASI SARATH KUMAR, S/O., LATE LAKSHMI SIVA NARAYANA, AGED 50 YEARS, OCC. ARCHAKA, RESIDENT OF UMA MAHESWARA SWAMIVARI DEVASTHANAM, CHOWTRA CENTER, NEAR OLD GOVERNMENT HOSPITAL, CHILAKALURIPET TOWN AND MANDAL, GUNTUR DISTRICT.

...PETITIONER**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF ENDOWMENTS, SECRETARIAT, VELAGAPUDI, AMARAVATHI.
- 2.THE COMMISSIONER ENDOWMENTS, GOVERNMENT OF ANDHRA PRADESH, GOLLAPUDI, VIJAYAWADA, ANDHRA PRADESH.
- 3.THE ASSISTANT COMMISSIONER, ENDOWMENTS, GOVERNMENT OF ANDHRA PRADESH, GUNTUR DISTRICT, PRESENTLY AT KOTHAPET, GUNTUR, GUNTUR DISTRICT.
- 4.SRI UMA MAHESWARA SWAMY VARI DEVASTHANAM, CHOWTRA CENTER, NEAR OLD GOVERNMENT HOSPITAL, CHILAKALURIPET TOWN AND MANDAL, GUNTUR DISTRICT REPRESENTED BY ITS SINGLE TRUSTEE/EXECUTIVE OFFICER.
- 5.SRI VASAVI KANYAKA PARAMESWARI ARYA VYSYA SANGHAM, REPRESENTED BY ITS SECRETARY, MR.RACHUMULLU SURYARAO, S/O., LATE RADHA KRISHNA MURTHY, RESIDENT OF D.NO.6-172, VASAVI NAGAR, CHILAKALURIPET, GUNTUR DISTRICT.
- 6.MR KOPPURAVURI NAGESWARA RAO PATEL, PRESIDENT ARYA VYSYA SANGHAM, CHILAKALURIPET, S/O., LATE NAGABHUSHANA RAO, AGED ABOUT 67 YEARS, RESIDENT OF D.NO.22-181, MADDI

MALLAIAH STREET, CHILAKALURIPET, GUNTUR DISTRICT.

7. THE STATION HOUSE OFFICER, CHILAKALURIPET, URBAN POLICE STATION, CHILAKALURIPET, GUNTUR DISTRICT.

8. CHILAKALURIPET MUNICIPALITY, CHILAKALURIPET, GUNTUR DISTRICT, REP., BY ITS COMMISSIONER.

...RESPONDENT(S):

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 more particularly in the nature of Mandamus declaring the inaction of the Respondents No.2 and 3 in protecting the property of the 4th Respondent Devasthanam by preventing the unauthorized activities of the 5th Respondent in the Mandapam at Sri Uma Maheswara Swamy Vari Devasthanam, Chowtra Centra, Chilakaluripet Town and Mandal, Guntur District, thereby depriving the Archaka residential Quarter to the Petitioner, as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India apart from being violative of principles of natural justice and consequently direct the Respondents 2 and 3 to forthwith take control of the Mandapam being under unauthorized control of the 5th Respondent situated in the 4th Respondent Devasthanam premises and facilitate for construction of Archaka Quarter by the Petitioner and also to recover the income derived so far by the 5th respondent through the unauthorized use of the Mandapam and pass

IA NO: 1 OF 2022

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 direct the Respondents 2 to 4 to prevent the unauthorized activities of the 5th Respondent in the Mandapam at Sri Uma Maheswara Swamy Vari Devasthanam, Chowtra Centra, Chilakaluripet Town & Mandal, Guntur District, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1. SRICHARAN TELAPROLU

Counsel for the Respondent(S):

1. Sireesha Rani Vallabhaneni, Standing Counsel For Municipalities
2. V V N NARASIMHAM
3. GP FOR ENDOWMENTS
4. DEVI SUBHASHINI ANNE SC For Endowments

5.VENKATESWARLU KOLLA

The Court made the following:

ORDER:

Heard Sri Sricharan Telaprolu, learned counsel for the petitioner, learned Assistant Government Pleader for Endowments, Smt. Anne Devi Subhashini, learned Standing Counsel for Endowments, Sri V.V.N.Narasimham, learned counsel for the respondent No.6 (W.P.No.6278 of 2023), Sri V.Venugopal, learned Senior Counsel appearing for Sri Kolla Venkateswarlu, learned counsel for the respondent Nos.5& 6 (W.P.No.15869 of 2022), Smt. Sireesha Rani Vallabhaneni, learned Standing Counsel for Municipalities.

2. The issue in both the writ petitions is common; therefore, the writ petitions are disposed of by way of a common order. For the sake of convenience, the parties as arrayed in W.P.No.6278 of 2023 are taken for reference.

3. Challenge in the Writ Petition No.6278 of 2023 is to the proceedings of the 3rd respondent making a recommendation to the 2nd respondent to grant exemption to the 6th respondent Sangham, from the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, "the Act"), in terms of the provisions of the G.O.Ms.No.306, Revenue (Endts.II) Department, dated 05.11.2021. W.P.No.15869 of 2022 is filed for a direction to the respondents 2 and 3 to take control of the Mandapam which is under unauthorized control of the 6th respondent and facilitate the petitioner to construct the quarters.

4. It is contended that the petitioner is an Archaka of the 5threspondent - temple. Prior to the petitioner, his father and forefathers were rendering services to the 5threspondent - temple.

5. It is contended that in 1764 AD, the then Zamindar Sri Rajamanuri Peda Venkata Krishnarao, donated an extent of Ac.0.50 cents of land for the construction of the 5threspondent's temple, Sri Uma Maheshwara Swamy Vari Temple. In 1922, a survey was conducted by the Government to demarcate the boundaries of the property. In 1948, the then successor to the Zamindar family, late Manuri Venkata Narayana, granted permission to the petitioner's grandfather, who was Archaka to construct a house on the southern side of the temple and reside in the second house. Although permission was granted to construct the house, they were unable to do so and have been living in a tin shed. In 1971, members of the Arya Vysya Community formed the 6threspondent Sangham and constructed a Mandapam on the southern side of the temple, naming it Gnana Mandir, where the petitioner's forefather was allowed to construct a house for residential purposes. The said Mandapam was put to misuse by the members of the 6threspondent. The petitioner's father had requested permission to construct a house on the first floor of the Mandapam. The 4threspondent had recommended the 2ndrespondent for the grant of permission to the petitioner to construct the house. However, there has been no action on the petitioner's representations seeking permission to construct a house. The learned counsel for the petitioner contends that the Mandapam is being used by the Members

of the 6th respondent for commercial purposes and that they derive income from it. Without granting the permission to the petitioner, the respondents have, however, allowed the 6th respondent to construct a commercial complex on top of the Mandapam. On coming to know of the same, the petitioner filed a writ petition in W.P.No.15869 of 2022 seeking a direction to the respondent to prevent unauthorized activities of the Arya Vysya Sangham.

6. It is contented that the 5th respondent temple i.e., Sri Uma Maheswara Swami is the main deity and the other deities, i.e., Subrahmanyeswara Swamy, Vigneswara Swamy, Kalabhairava Swamy, and Vasavi Kanyaka Parameswari Ammavaru, etc., are sub-deities. These are under the single trustee's administrative control. The learned counsel for the petitioner further contends that Sri Vasavi Kanyaka Parameswari Ammavaru is a sub-deity and is not an independently recognized temple. And the petitioner is not under the control of the 6th respondent. Additionally, he is rendering archaka service to the 5th respondent temple as well as to all other deities located in the premises.

7. The contention of the learned counsel for the petitioner is that vide the impugned proceedings, exemption has been granted to the 6th respondent in terms of G.O.Ms.No.306, Revenue (Endts.II) Department, dated 05.11.2021. It is contented that the Sri Vasavi Kanyaka Parameswari Ammavaru, being the sub-deity located in the premises of the 5th respondent, is not an independent temple under the management of the 6th respondent; therefore, granting exemption to the 6th respondent under G.O.Ms.No.306,

Revenue (Endts.II) Department, dated 05.11.2021 is without jurisdiction, having regard to the fact that the subject 5th respondent temple is published under Section 6c(ii) of the Act with the main deity being Sri Uma Maheswara Swamy. If the 6th respondent is allowed to handle the affairs of Sri Vasavi Kanyaka Parameswari Ammavari temple, it would lead to serious lapses. The impugned proceedings would recognize Sri Vasavi Kanyaka Parameswari Ammavari temple as an independent temple whereas it is a sub-deity of the main 5th respondent temple. Therefore, G.O.Ms.No.306, Revenue (Endts.II) Department, dated 05.11.2021, would not apply to the Sri Uma Maheswara Swamy Temple. It is vehemently argued that the impugned proceedings would lead to the recognition of Sri Vasavi Kanyaka Parameswari Ammavari Temple as an independent temple, which, on the other hand, is a sub-deity of the main temple, Sri Uma Maheshwari Swamy Temple. The petitioner's contention is that the Sri Uma Maheshwari Swamy Temple was established in the 18th century. The Sri Vasavi Kanyaka Parameswari Ammavari temple was established in 1959, and renovations were made in 1970. It is further contended that, from the beginning, all the temples were under one independent temple. It is only after the 6th respondent temple came into the picture that efforts are being made to recognize the Sri Vasavi Kanyaka Parameswari Ammavari Temple as a different temple from the 5th respondent temple. Thus, seeks set aside of the impugned proceedings.

8. The Commissioner of Endowments, the 2nd respondent, filed counter affidavit stating that both the temples i.e., Sri Uma Maheswari Swamy

temple and Sri Vasavi Kanyaka Parameswari Ammavari temple are not one and the same, both of them are distinct and separate. After establishment of Sri Vasavi Kanyaka Parameswari Ammavari temple in 1905, adjacent to the 5th respondent temple, the 6th respondent Sangham established in 1941, the maintenance of the temple was entrusted to the 6th respondent Sangham and Sangham alone is maintaining the temple. On the request of the petitioner, the 6th respondent has allowed the petitioner to perform pujas in Sri VasaviKanyaka Parameswari Ammavari Temple on payment of consolidated wages. The petitioner is performing archakatvam at 5th respondent temple and is enjoying the land of Ac.10.00 cents endowed by Zamindars in favour of the temple. The endowment authorities have never appointed the petitioner as poojari in Sri Vasavi Kanyaka Parameswari Ammavari Temple. It is further stated that the 5th respondent temple and Sri Vasavi Kanyaka Parameswari Ammavari Temple are being managed and administered separately and there is no commonness in them. The proceedings of the 2nd respondent granting exemption to the 6th respondent are valid and the petitioner has no locus to challenge the same.

9. The 5threspondent filed its counter, contending that the Archakas of the 5th respondent temple are using the Archaka quarter situated on northern side of the temple. The 6th respondent Sangham constructed a mandapam long ago in the premises of the temple on southern side and had been using it for religious discourses. AndSri Vasavi Kanyaka Parameswari Ammavari temple was constructed long ago, more than a century back in the

premises of 5th respondent. The temple was initially managed by founders of the said temple. Thereafter, it is being managed by the 6th respondent with their own funds. The day to day expenditure of the temple including the salaries are being managed by the 6th respondent by obtaining specific budget sanction from 3rd respondent every year. That is further stated that the proceedings under Section 43 of the Act are also passed separately there is a separate register being maintained under Section 43 of the Act in respect of the properties of Sri Vasavi Kanyaka Parameswari Ammavari temple. It is stated that the fact of separate registration of the temple under Section 43 of the Act recognizes the existence of Sri Vasavi Kanyaka Parameswari Ammavari temple as independent temple and is not concerned with the 5th respondent. On the issue of grant of exemption to 6th respondent temple by the 2nd respondent, the petitioner has no locus to challenge the said proceedings. It is further reiterated that the 5th respondent temple and Sri Vasavi Kanyaka Parameswari Ammavari temple are both two independent temples having two separate registrations under Section 43 of the Act.

10. The 6th respondent filed its counter, contending that in 1905, the Sri Vasavi Kanyaka Parameswari Ammavari temple was constructed. In 1957, there was a renovation, and the subject temple is separate from the 5th respondent temple. It is further contended that the writ petitioner went to the extent of making uncharitable comments against the deity in that connection, a crime was also registered against the petitioner by the police. The petitioner has no vested right to seek the enforcement of his right to

render pujas and sevas in the Sri Vasavi Kanyaka Parameswari Ammavari temple. It is contended that the petitioner has no jurisdiction to challenge the proceedings of the 2nd respondent. It is thus contended that the 5th respondent temple is separate from the Sri Vasavi Kanyaka Parameswari Ammavari Temple. Temple is under the management of the 6th respondent for the last 100 years. In respect of the exemption granted by the Government to the 6th respondent, the petitioner should not have any grievance and he has no locus to challenge the same.

11. Counter affidavit on behalf of the 2nd respondent has been filed in W.P.No.15869 of 2022, wherein it has been stated that the occupation of the Kalyanamandapam by the 6th respondent Sangham is unauthorized and steps are being taken to evict the Sangham from the encroachment of the temple property in accordance with the procedure.

12. The learned Senior Counsel Sri V.Venugopal appearing for Sri Kolla Venkateswarlu, learned counsel for the respondent Nos.5 and 6 (W.P.No.15869 of 2022), in support of his contentions, relies on the judgment of this Court in W.P.Nos.9002 of 2025, 18777 of 2015, 18109 of 2018 and 16359 of 2023.

13. The learned counsel for the petitioner has filed written submissions titled "Note on Arguments".

The gist of the same are:

“6. CONCLUSIONS ON BEHALF OF THE WRIT PETITIONER

1. Admittedly both the Gyana Mandiram (MANDAPAM) and Sri Kanyakaparameswari Ammavaru are located within the **TEMPLE** premises.
2. When it is found by the Endowment Authorities that the control of the **SANGAM** over Gyana mandiram (MANDAPAM) situated within the **TEMPLE** Premises is illegal and unauthorized and steps are being taken to evict the **SANGAM** from the MANDAPAM, it is not know how the Authorities are justifying calling Sri Kanyakaparameswari Ammavaru as a separate temple, located on the side of the main deity Sri Uma Maheswara Swamy where Parvathi Ammavaru is on the other side and all the three Deities are located in a common mandapam, single dwajastambham and only one entrance;
3. When the occupation of **SANGAM** over Gyana Mandiram is illegal, the independent claim of **SANGAM** over Sri Kanyakaparameswari Ammavaru, both located within the **TEMPLE** property is equally illegal.
4. The **TEMPLE** that was notified under section 6(c)(ii) of the Endowments Act consists of all the deities including utsava mandapams, appurtenant structures and land as defined at section 2(27) of the Endowments Act.
5. Thus even if the **SANGAM** contributes for construction of Sri Kanyakaparameswari Ammaru in the **TEMPLE** premise as the part of its Religious Charity as defined at section 2(21) of the Act, the **SANGAM** will not get any right or control over the same and cannot call it as an independent temple.
6. Section 145 of the AP Endowment Act 1987 recognizes only adoption or amalgamation of notified institutions, but not for partition of the Deities.
7. Even from the perusal of the Section 43 Register submitted by the **SANGAM**, it only discloses about the Religious charity activities that was said to have undertaken by it at the **TEMPLE** premises for Sri Kanyakaparameswari Ammavaru. But that does not create any independent right for the **SANGAM** over the charity it have undertake even if it is admitted.
8. The said Section 43 Register of the **SANGAM** clearly mentions about the properties of the **SANGAM** where **Sri Kanyakaparameswari Ammavaru is not found.** The details of Sri

KanyakaparameswariAmmavaru are mentioned as its Religious Charity activities, which itself is clear that the assets of **SANGAM** is different and its Religious charity is different. Thus mere mentioning about the religious charity activities undertaken by the **SANGAM** at **TEMPLE** premises will not entitle the **SANGAM** to claim right over Sri Kanyakaparameswari Ammavaru located within the **TEMPLE** premises.

9. If the said proposition that, those who undertake Religious charity at a notified TEMPLE would be given Right and Control over the said TEMPLE to the extent it undertakes Religious Charity, is accepted, those rich Devotees / charitable institutions will get right over the notified TEMPLES in the State to the extent of charitable activity they undertake, which the AP Endowments Act No.30 of 1987 never provided for.

10. Petitioner being the Archaka was permitted to enjoy the benefits over the land during the life time of his father, the said land was also under unauthorized occupation of third parties. The Endowment authorities though aware of the said fact has not taken any steps for eviction and did not conducted auction of lease hold rights till today.

11. The petitioner is working as Archaka since the year 1986 at the **TEMPLE** performing poojas and other religious services to all the deities including Sri Kanyaka Parameswari Ammavaru.

12. The petitioner who is residing in the **TEMPLE** premises has every right to construct quarter to reside with the permission of the departmental authorities.

13. Since the petitioner questioned the unauthorized acts of the **SANGAM** in proposing to illegally construct additional floor over the GyariaMandiram, the dispute started.

14. Till then there was no dispute and no complaint was made against him with regard to his services.

15. The petitioner being the Archaka cannot be deprived of his right to do services to all the Deities in the **TEMPLE** premises and to reside in the **TEMPLE** premises by constructing residential quarter with the permission of the Authorities.

16. The Endowment Authorities having found that the occupation of Gyana Mandiram by the **SANGAM** in the **TEMPLE** premises is unauthorized and illegal, in the same analogy independent claim of

SANGAM in the **TEMPLE** premises in respect of Sri Kanyakaparameswari Ammavaru is also equally illegal and unauthorized.”

14. Considered the submissions.

15. The challenge in the writ petition No.6278 of 2023 is to the proceedings of the 2nd respondent granting exemption to the 6th respondent from the provisions of the Act in terms of G.O.Ms.No.306 dated 05.11.2021.

16. The petitioner one hand claims that the Sangham permitted him to construct of a residential quarter on the first floor of the Mandapam having granted such a permission cannot make use of the building for its use by making further constructions in breach of the promise made to him depriving him from making a residential quarter. On the other hand, it is also contended that the Sangham is unlawfully occupying property (Mandapam) owned by the 5th respondent temple. This Court is of the view that the petitioner who is Archaka of 5th respondent temple has no locus to challenge the exemption granted to the 6th respondent Sangham, hence cannot maintain the writ petition.

17. If the petitioner is claiming any right for construction of the residential quarter within the premises of the temple, placing reliance on the proceedings or grants issued in the year 1922, the same will have no enforceability, having regard to the provisions of Sections 34 and 144 of the Act. The endowment authorities in their counter affidavit have stated that the

appropriate proceedings would be initiated against the 6th respondent in accordance with the procedure under the Act. After filing of the said counter affidavit, the impugned proceedings (W.P.No.6278 of 2023) have been passed granting exemption from the applicability of the provisions of the Act.

18. This Court is of the considered view that the petitioner has no locus to challenge the proceedings issued in favour of the 6th respondent. Reliance in this regard is placed on a common order passed by me in similar circumstances in W.P.Nos.9002 of 2025, 18777 of 2015, 18109 of 2018 and 16359 of 2023.

19. Accordingly, the writ petitions are dismissed. There shall be no order as to costs.

As a sequel, interlocutory applications, pending if any, shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Date:02.01.2026

ANI

THE HON'BLE SMT. JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION Nos.6278 of 2023 & 15869 of 2022

Date:02.01.2026

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