

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.C.No. OF 2024

RUNNING INDEX

Sl. No.	Description of Document	Date of Document	Date of filing of Document	Page No.
1.	Petition	04.03.2024	04.03.2024	1
2	Affidavit	04.03.2024	04.03.2024	2-10
3.	Interim Order in CMA.No.538/2023	09.02.2024	-do-	11-27
4.	Affidavit, <del>Petition</del> in CMA.No.538/2023	27.11.2023	-do-	28-32
5.	Affidavit, Petition in IA.No.2/2024 in CMA.No.538/2023	22.01.2024	-do-	33-47
6.	Copy of the Proceedings issued by 1 <sup>st</sup> Respondent	25.02.2024	-do-	48-56
5.	Vakalath	04.03.2024	-do-	51

DATE: 04.03.2024  
Amaravati

Counsel for the Petitioner

MEMORANDUM OF CONTEMPT OF CASE  
(U/SEC.10 TO 12 OF CONTEMPT OF CASE OF COURTS ACT)  
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CONTEMPT CASE No.                      of 2024

IN

I.A.No.2 of 2024

IN

C.M.A.No.538 of 2023

Between:

Arjun Dass, disciple of H.H. Shri Devenderdassji Varu,  
Aged about 71 years, R/o.122, Gandhi Road, Tirupathi,  
Chittoor District, Andhra Pradesh

\_\_\_\_Petitioner

And

1. Sri S.Satyanarayana, IAS, Member Secretary of A.P.Dharmika  
Parishad-cum- the Commissioner of Endowments of Andhra  
Pradesh, Gollapudi, Vijayawada – 521225

2. Sri K.Ramesh Naidu, Administrative Officer (FAC)  
of Sri Swamy Hathiramji Mutt, R/o.122, Gandhi Road,  
Tirupathi, Chittoor District, Andhra Pradesh

\_\_\_\_Respondents

The address for service of all notices and process on the above  
named Petitioner is that of his counsel Srinivas Bobbili (9649), Advocate,  
Flat No.2-3, Mouli Towers, Beside Jyothi Convention, Benz Circle,  
Vijayawada-520010.

For the reasons stated in the accompanying affidavit, it is necessary  
in the interest of justice that this Hon'ble Court may be pleased to punish  
the Respondents for their willful and deliberate disobedience of the orders  
dt.09.02.2024 passed by this Hon'ble Court in I.A.No.2 of 2024 in  
C.M.A.No.538 of 2023, under the provisions of the Contempt of Courts  
Act, 1971 and pass such other order or orders may deem fit and proper in  
the circumstances of the case.

Date: 04.03.2024  
Amaravati

Bobbili Srinivas (9649)  
Counsel for Petitioner

CHITTOOR DISTRICT

IN THE HIGH COURT OF  
ANDHRA PRADESH  
AT AMARAVATI

CONTEMPT CASE No. of 2024

IN

I.A.No.2 of 2024

IN

C.M.A.No.538 of 2023

BETWEEN:

Arjun Dass

..Petitioner

AND

Sri S.Satyanarayana, IAS& others

...Respondents

MEMO OF CONTEMPT CASE

Filed By:

M/s SRINIVAS BOBBILI (9649)

Counsel for Petitioner

9866043939

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CONTEMPT CASE No. of 2024

IN

I.A.No.2 of 2024

IN

C.M.A.No.538 of 2023

BETWEEN:

Arjun Dass, disciple of H.H. Shri Devenderdassji Varu,  
Aged about 71 years, R/o. 122, Gandhi Road, Tirupathi,  
Chittoor District, Andhra Pradesh

\_\_\_\_Petitioner

And

1. Sri S.Satyanarayana, IAS, Member Secretary of A.P.Dharmika Parishad-cum- the Commissioner of Endowments of Andhra Pradesh, Gollpudi, Vijayawada – 521225
2. Sri K.Ramesh Naidu, Administrative Officer (FAC) of Sri Swamy Hathiramji Mutt, R/o.122, Gandhi Road, Tirupathi, Chittoor District, Andhra Pradesh

\_\_\_\_Respondents

AFFIDAVIT OF THE PETITIONER

I, Arjun Dass, disciple of H.H. Shri Devenderdassji Varu, Aged: 71 years, Mahant of Sri Swami Hathiramji Mutt, R/o.122, Gandhi Road, Tirupathi, Chittoor, Andhra Pradesh, now having temporarily come down to Amaravathi, do hereby solemnly affirm and sincerely state on oath as follows:

1. I submit that I am the Petitioner herein as such I am well acquainted with the facts stated hereunder.
2. I submit that the above Contempt Case is filed humbly praying this Hon'ble Court to punish the Respondents herein in view of the fact that the Respondents herein deliberately and wilfully violated the orders of this Hon'ble Court dt.9.02.2024 in I.A.No.2 of 2024 in C.M.A.No.538 of 2023,

wherein this Hon'ble Court granted stay all further proceedings in pursuance of the proceedings bearing Rc.No.25033/37/2022/DP-CELL-Endowments Dt.19.01.2024 issued by the Dharmika Parishad. From the reading of the said interim order it is clear that

3. I submit that from 1990 till 07.06.2023, I worked as the Mathadhipathi of Sri Swamy Hathiramji Mutt, Tirumala. From the date of assumption of the office of the Mathadhipathi, I performed my duties as religious and secular head of Sri Swamy Hathiramji Mutt with utmost dedication, commitment & integration.

4. I humbly submit that I never committed any misconduct or nor misappropriated any of the funds of the Mutt. I never abused the office of Mathadhipati and I never violated any of the orders passed by this Hon'ble Court much less the order dt.07.09.2006 passed in W.A.No.258 & 259 of 2006. I never committed any illegality or irregularity which necessitates the invocation of the powers under Section 51 of the Endowments Act. Yet, A.P.Dharmika Parishad targeted me and illegally suspended me from the office of the Mathadhipati by orders dt.08.06.2023 and issued a Charge Memo dt.08.06.2023. At this juncture it is most significant to note that the Dharmika Parishad did not serve upon the Charge Memo, Suspension order or the documents relied upon to issue the said Charge memo and Suspension order till date though requested for the same several times. Challenging the said illegal and unconstitutional Suspension Order and Charge Memo dt.08.06.2023, I filed W.P.No.13919/2023, which was dismissed by orders dt.04.10.2023. Aggrieved by the same, I filed W.A.No.1080/2023 and the same is pending consideration before the Hon'ble First Division Bench of this Hon'ble Court.

5. During the pendency of the said Writ Petition, Dharmika Parishad by its resolution dt.12.7.2023 appointed a three member Committee to conduct enquiry into the charges made against me and a notice dt.14.7.2023 was issued to me (sending the same through whatsapp) directing me to appear before the said three member Committee on 19.07.2023. As I was thrown out of the Mutt unceremoniously even without permitting me to take my clothes by sealing the 'Dolu', which is the official residence of the Mathadhipathi, I went to Ayodhya, whereat I fell ill due to viral fever, therefore, I was not in a position to submit any record to prove my innocence and to prove that the Charges framed against me are false and baseless.

6. Under those circumstances, on my instructions, my Advocate Vinodini Ruth sent a legal notice dt.17.07.2023 (by sending the same to the official email IDs of almost all the members of the Dharmika Parishad) requesting the Dharmika Parishad as follows:

(i) to direct the concerned to serve upon me all the documents, which are the basis for issuing the said illegal charge memo and suspension order, and (ii) grant one month time to my client to submit his statement of defense and to attend the enquiry to be conducted in pursuance of the orders dt.12.07.2023 r/w Notice dt.14.7.2023 from the date of serving all the documents upon me, so that my client will submit his statement of defense and participate in the enquiry and prove his innocence, and till such time defer the enquiry scheduled to be conducted on 24.07.2023, otherwise, it will be in violation of the Principles of Natural Justice”.

7. But, the three Member Committee without considering the said legal notice and without giving any opportunity to me and without serving upon all the documents requested by me, said to have conducted the enquiry on 19.07.2023 & 20.07.2023. This fact was widely reported in the Press. Therefore, on my instructions, my Advocate sent another legal notice dt.24.07.2023 requesting Dharmika Parishad to comply with the principles of Natural Justice (i) by directing the concerned to serve upon me all the documents, which are the basis for issuing illegal Charge Memo and Suspension Order dt.08.06.2023, (ii) grant one month time to my client to submit his statement of defense and (iii) give an opportunity of hearing to my client to prove his innocence. My advocate on my instructions personally went to the office of the Dharmika Parishad the submitted a copy of the said legal notice dt.24.7.2023. The office of the Dharmika Parishad acknowledged the receipt of the said legal notice by giving vide Endorsement No.7664237 on 24.7.2023. Besides, my counsel served upon this legal notice to all the Respondents and some of the members of the 2<sup>nd</sup> Respondent through email. Yet, the Respondents did not any opportunity to me and did not furnish the 29 documents, which are the basis for the said Charge Memo dt.8.6.2023m to prove my innocence and falsity of the charges. This email was also not denied by the Respondents.

8. Later, i.e., 31.07.2023, my counsel sent another email enclosing the legal notice dt.24.07.2023 to all the respondents and some of the members of the 2<sup>nd</sup> Respondent requesting them to comply with the principles of Natural Justice(i) by directing the concerned to serve upon me all the documents, which are the basis for issuing illegal charge memo and suspension order Dated 08-06-2023, (ii) grant one month time to my client to submit his statement of defense and (iii) give an opportunity of hearing

to my client to prove his innocence. This legal notice is already served upon the Hon'ble Dharmika Parishad and the Commissioner of Endowments and the same was acknowledged vide Receipt bearing no.7664237/2023 dated 24/07/2023. This email was also not denied by the Respondents.

9. Having received the said three legal notices, the said 3 Member Committee, without hearing me and without giving any opportunity to me to prove my innocence, said to have concluded the enquiry and submitted report on 01.08.2023. While this Hon'ble Court by judgment dt.4.10.2023 dismissed W.P.No.13919/2023. Then I filed W.A.No.1080/2023 challenging the said judgment dt.4.10.2023. Later, Dharmika Parishad issued a show cause notice dt.19.10.2023 directing me to submit my explanation. Accordingly, on my instructions, my counsel submitted the explanation on 03.11.2023. Later, I personally present before the 2<sup>nd</sup> Respondent on 16.11.2023 and requested them to conduct enquiry afresh by ignoring the said 3 member committee report dt.1.8.2023 so that I will prove my innocence, but Dharmika Parishad without considering my explanation and my personal request, removed me from the post of Mahant of the Mutt by orders dt.24.11.2023.

10. Challenging this illegal removal order dt.24.11.2023, I filed CMA.No.538/2023 and I filed I.A.No.2/2023 in CMA No.538/2023 seeking suspension of the said illegal removal order dt.24.11.2023. During the pendency of this CMA, Government issued G.O.Ms.No.581 Revenue (Endowments.II) Department dt.08.12.2023 confirming the said removal order. Then I filed an amendment Petition i.e., I.A.No.3/2023 challenging the said G.O.Ms.No.581 and also filed I.A.No.4/2023 seeking suspension of G.O.Ms.No.581.



11. Later, Dharmika Parishad by order dt.19.1.2024 directed Fit Person to identify the Maths, which are following Ramananda Sampradayam, for selection of new Mathadhipathi to the Math as already instructed and convene the meeting of all the heads of the Maths following Ramananda Sampradayam on 30.01.2024 and also directed the Fit Person to dispose the representation of Sri Shyam Das, who got orders from Hon'ble High Court, for selection of Interim Mahant in 4 months from the date of High Court orders as there is a permanent vacancy of Mahanth due to removal of Sri Arjun Doss to avoid further litigation. Aggrieved by the same, I filed another amendment Petition i.e., I.A.No.1/2024 challenging the proceedings dt.19.01.2024 and also filed I.A.No.2/2024 seeking stay of all further proceedings in pursuance of the proceedings dt.19.01.2024 issued by Dharmika Parishad including the appointment of the Interim Mahant.

12. This Hon'ble Court after elaborate hearing and after considering all the pleadings and case law relating to the issue in question was pleased to pass orders dt.9.2.2024 in I.A.No.2/2024 in C.M.A.No.538/2023 staying all further proceedings in pursuance of the proceedings dt.19.01.2024 vide Rc.No.25033/37/2022/DP-CELL-Endowments issued by the Dharmika Parishad till disposal of the C.M.A. By this order dt.09.02.2024, this Hon'ble Court directed the Respondents not to appoint any person as Matadhipati. But, Respondents herein passed orders dt.25.2.2024 appointing Mr.Omprakash Doss, Pujari of Japali Hanuman Temple of Sri Swamy Hathiramji Mutt, Tirumala as Interim Mahant of Sri Swamy Hathiramji Mutt. This action of the Respondents is amounting to deliberate and wilful violation of the orders of this Hon'ble Court dt.9.2.2024 in I.A.No.2/2024 in C.M.A.No.538/2023. Hence, I am constrained to file this Contempt Case bringing the said wilful and deliberate violation of the

orders of this Hon'ble Court by the Respondent herein to the kind notice of this Hon'ble Court.

13. At this juncture it is most relevant point out that the said Omprakash Doss is neither the disciple of the Mutt and nor declared as Sadhu/Bairagi as per the tenets of Ramananda Sampradaya and as such there is no sanction for his appointment as Mahant from the Akhada Panchayat and Digambar Akhada. He is only a pujari in one of the temples under the control of Sri Swamy Hathiramji Mutt. As the existing Mahant, I never declared him as my successor. As per the practice, which is in vogue for the last several centuries, the Person, who is declared by the existing Mahant as his successor, can only be appointed as the Mahant. Hence, his appointment is contrary to Ramananda Sampradaya. My removal and his appointment as temporary Mahant is not only illegal and unconstitutional.

14. From the above facts, it is clear that the Respondents herein have shown utter disobedience towards this Hon'ble Court and they have been willfully and deliberately violating the judicial command of this Hon'ble Court contained in the order dt.9.2.2024 in I.A.No.2/2024 in C.M.A.No.538/2023 and as such they are liable to be punished under the Contempt of Courts Act.

15. I submit that this deliberate and willful action of the Respondents herein in violating the interim orders of the Hon'ble High Court dt.09.02.2024 is nothing but showing utter disrespect towards the Hon'ble High Court and in contravention of the judicial command of the Hon'ble High Court, which is a court of record under Article 215 of the Constitution

of India and the same is amounting to committing contempt towards this Hon'ble Court and the same is punishable u/the Contempt of Courts Act.

16. At this juncture, it is also relevant to point out that Hon'ble High Court in Chada Ramulamma case held as follows:

"The Apex Court has repeatedly held that upholding the dignity and majesty of the Courts is very much essential for maintaining rule of law and preserving the faith of the people in the judicial system. The stream of justice cannot be allowed to be polluted by unscrupulous elements to meet their personal ends. Judiciary being the last resort for a vexed citizen, its dignity and decorum should always and at all times be protected. .... Indeed, of late, the number of Contempt Cases is on the rise and more often the officers representing the executive apparatus, who are accused of violating the orders of the courts, offer apologies as a secondary defence after their primary defence fails to pass muster with the Court. Taking judicial notice of this attitude, the Supreme Court in E.T.Surup Vs. C.A.N.S.S. Employees Association made the following succinct observations:

"It has become a tendency with the Government Officers to somehow or the other circumvent the orders of court and try to take recourse to one justification or other. This shows complete lack of grace in accepting the orders of the court. This tendency of undermining the Court's order cannot be countenanced. This Court time and again has emphasized that in a democracy the role of the court

7(A)

cannot be subservient to administrative fiat. The executive and legislature have to work within the Constitutional framework and the judiciary has been given a role of watchdog to keep the legislature and executive within check”.

17. While referring to the plea of showing mercy regarding penalty, the Supreme Court observed:

“But if the Court's orders are flouted like this, then people will lose faith in the courts. Therefore, it is necessary to deal with such type of violation of Court's order with strong hands and to convey to the authorities that the courts are not going to take things lightly”.

18. I submit that the action of the respondents in violating the orders of this Hon'ble Court cannot be treated as a mistake or due to inadvertence but from the above facts it is evidently clear that the violation of the orders of this Hon'ble Court is the result of deliberate and willful disobedience and disregard towards the Hon'ble Court and the same is amounting to creating a dent on the judicial prestige of this Hon'ble Court and the same cannot be countenanced by any stretch of imagination and as such Respondents herein are liable to be punished u/the Contempt of Courts Act.

19. I submit that all the persons and the authorities are duty bound to implement the orders of this Hon'ble Court strictly in its true letter and spirit without any deviation, otherwise, the same will be amounting to contempt towards this Hon'ble Court, which is a court of record under Article 215 of Constitution of India, and if any such contemptuous action

10  
committed by anybody, they are liable to be prosecuted under Sec.10 to 12 of the Contempt of Courts Act.

20. It is therefore prayed that this Hon'ble Court may be pleased to punish the Respondents for their willful and deliberate disobedience of the orders dt.09.02.2024 passed by this Hon'ble Court in I.A.No.2 of 2024 in C.M.A.No.538 of 2023, under the provisions of the Contempt of Courts Act, 1971 and pass such other order or orders may deem fit and proper in the circumstances of the case.

Sworn and singed before me on this  
the 03<sup>rd</sup> Day of March, 2024 at Amaravathi

Deponent

Advocate :: Amaravathi

### VERIFICATION

I, Arjun Dass, disciple of H.H. Shri Devenderdassji Varu, the above named Petitioner herein do hereby declare that all the facts stated above are true and correct to the best of my knowledge and belief and based on record and information. Hence verified on this the 03<sup>rd</sup> Day of March, 2024 at Amaravathi.

Mr. Bobbili Srinivas (9649)  
Counsel for the Petitioner

Deponent

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI  
FRIDAY, THE SIXTEENTH DAY OF FEBRUARY,  
TWO THOUSAND AND TWENTY FOUR

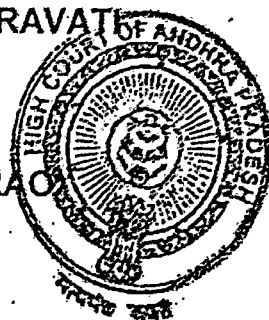
:PRESENT:

THE HONOURABLE DR JUSTICE K MANMADHA RAO

IA No. 2 OF 2024

IN

CMA NO: 538 OF 2023



Between:

Arjun Dass, disciple of H.H. Shri Devenderdassji Varu, Aged about 71 years, Mahant of Sri Swami Hathiramji Mutt, R/o. 122, Gandhi Road, Tirupathi, Chittoor District, Andhra Pradesh.

...Petitioner/Appellant

(Petitioner in CMA 538 OF 2023  
on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep., by its Principal Secretary, Revenue (Endts.II) Department, Secretariat, Velagapudi, Amaravathi, Guntur District
2. The Dharmika Parishad, Rep. by its Member Secretary Gollapudi, Vijayawada, Krishna District
3. The Commissioner of Endowments, Government of Andhra Pradesh, Gollapudi, Vijayawada, Krishna District
4. The Regional Joint Commissioner, Endowments Department, Multi Zone-II, Tirupathi, Chittoor District, Andhra Pradesh
5. Sri Swamy Hathiramji Mutt, R/o. 122, Gandhi Road, Tirupathi, Chittoor District, Andhra Pradesh, Rep. by Fit Person

...Respondents/Respondents  
(Respondents in-do-)

Counsel for the Petitioner : SRI SRINIVAS BOBBILI

Counsel for the Respondent : Sri S.Sri Ram, Advocate General

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuance of the proceedings bearing Rc.No.25033/37/2022/D<sup>2</sup>-CELL-Endowments Dt.19-01-2024 issued by Dharmika Parishad, pending disposal of CMA No.538 of 2023, on the file of the High Court.

-12-

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

**ORDER:**

I.A.No. 2 of 2024 is filed to stay all further proceedings in pursuance of the proceedings dated 19.01.2024 bearing Rc.No.25033/37/2022/DP-CELL-Endowments issued by the Dharmika Parishad, till disposal of the C.M.A.

2. The Appellant herein filed this Appeal under Section 51(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments' Act, 1987 (Andhra Pradesh Act No.30 of 1987) (in short 'the Act'), aggrieved by the Order dated 24.11.2023 passed in Rc.No.DP1/19027(37)/8/2018, by the Dharmika Parishad, Endowments Department, Andhra Pradesh, who is 2<sup>nd</sup> respondent, removing the Appellant herein from the post of the Mahant of Sri Swamy Hathiramji Mutt, Tirupati.

3. Heard Mr. L. Ravi Chander, learned Senior Counsel, representing Mr. Bobbili Srinivas, learned counsel for the appellant and Mr. S. Sri Ram, learned Advocate General for the respondents.

4. During learned Senior Counsel appeared for the appellant vehemently contended that the 2<sup>nd</sup> respondent failed to consider the fact that none of the documents, which were the



basis for framing the Charge Memo dated 08.06.2023, are furnished to the appellant through the appellant requested the Dharmika Parishad several times in writing to furnish the same, but in vain. Further, it is a fact that the appellant was thrown out of the Mutt unceremoniously even without permitting him to take his cloths and he is not in a position to submit any record to prove his innocence and to prove that the Charges framed against him are false and baseless, which the 2<sup>nd</sup> respondent failed to consider the same.

5. It is further contended that though this Court hearing W.P.No.13919 of 2023, which was filed by the appellant herein challenging the Charge Memo dated 08.06.2023 and the consequential Suspension Order dated 08.06.2023, the 2<sup>nd</sup> respondent got conducted an enquiry into the charges, which are not only false and baseless, but contrary to the record, without furnishing the which were the basis for framing the Charge Memo dated 08.06.2023 and without hearing the appellant herein and during the pendency of W.A.No.1080 of 2023 removed the appellant without considering his request for conducting enquiry afresh as the enquiry said to have been conducted by the three member committee on 19.07.2023 and 20.07.2023 is violative of principles of natural justice. Therefore



the impugned order passed by the Dharmika Parishad/ 2<sup>nd</sup> respondent is in contravention of the subsisting interim order dated 07.09.2006 in W.A.No.258 of 2008, hence the impugned order is liable to be set aside.

6. Whereas, learned Advocate General appeared for the respondents would contend that the Members of Dharmika Parishad have been examined the records including enquiry report submitted by the three Member Committee and issued Show Cause Notice dated 19.10.2023 calling for explanation from the appellant. The appellant also submitted his explanation dated 03.11.2023 and 06.11.2023 for the charges leveled against him. After receipt of the explanation submitted by the appellant, the Members of the Dharmika Parishad have scrutinized the explanation and found that the appellant has committed illegalities and irregularities, while administering and managing the subject Math and its properties from 16.11.2006 till June, 2023. Therefore requested the appellant to appear before the Enquiring Authority to submit explanation as per provisions of the Act and Rules made there under, for which the appellant has not submitted any explanation and did not appear before the authority on the scheduled date either in person or through an Advocate, except submitted written

representation requesting to conduct fresh enquiry. The committee has given sufficient opportunity at every stage, but the appellant has not been co-operated so far, though documents were already been supplied on him along with Charge Memo. Therefore the appellant has failed to utilize the same and that the committee unanimously agreed not to consider the request of the appellant and decided to proceed with the matter and taking into consideration of gravity of proved charges against the appellant and to avoid further damage to the subject Math and its properties and to safeguard the holiness of the subject Math and its properties; have decided unanimously for removal of the appellant from the post of Mahant of the subject Math, subject to outcome of W.A.No.1080 of 2023 on the file of this Court vide resolution of Dharmika Parishad dated 21.11.2023 and issued proceedings accordingly. Therefore, the 2<sup>nd</sup> respondent and Member Secretary of Dharmika Parishad issued impugned order dated 24.11.2023. Hence the appellant is not entitled to claim any relief in this C.M.A and requested to dismiss the same.

7. Both the counsel have painstakingly taken this Court through records of the case and presented their respective points of view very ably.

8. Perused the record.

9. Learned Senior counsel for the petitioner mainly contended that this matter pertains Section 51(4) of the Act, hence the removal of Mahanth of Mutt without hearing the appellant is highly illegal and arbitrary and against the principles of natural justice. The Three Member Committee has acted against the appellant during the course of enquiry. The notice was issued on the appellant regarding suspension of the Mahanth i.e appellant, for which a letter was addressed to the respondents for granting time for submitting explanation, but the respondents did not take into consideration naming it as an unsigned letter and proceeded with the enquiry and passed removal order which is one sided order. Hence, the impugned proceedings are highly illegal and arbitrary.

10. In support of the contention of the appellant, learned counsel for the appellant placed on record the catena of decisions of the Hon'ble Apex Court viz., "*Aureliano Fernandes v. State of Goa*"<sup>1</sup>, wherein it was held as follows:

"45. Thus, ordinarily, courts interpret statutory provisions in sync with the aforesaid principles of natural justice on a premise that no statutory authority would violate the fundamental rights enshrined in the Constitution. When it comes to authorities that are expected to discharge judicial and quasi judicial functions, the rule

<sup>1</sup> LAWS(SC) 2023 (5) 54

- 17 -

of audi alteram partem applies with equal force. Reasonableness infuses lifeblood in procedural matters, be it elements of the notice, the contents of the notice, the scope of inquiry, the material available or an adequate opportunity to rebut such material. All of this is to avoid miscarriage of justice at any stage. This is of course fluid and subject to adapting to the demands of a situation in the given facts of a case."

11. In "*Khem Chand v. Union of India*"<sup>2</sup>, wherein it was held as follows:

"19. To summarise, the reasonable opportunity envisaged by the provision under consideration includes:

- (a) An opportunity to deny his guilt and establish his innocence, which he can only do if he is told what the charges leveled against him are and the allegations on which such charges are based;
- (b) An opportunity to defend himself by cross-examining the witnesses produced against him and by examining himself or any other witnesses in support of his defence; and finally
- (c) An opportunity to make his representation as to why the proposed punishment should not be inflicted on him, which he can only do if the competent authority, after the enquiry is over and after applying his mind to the gravity or otherwise of the charges proved against the government servant tentatively proposes to inflict one of the three punishments and communicates the same to the government servant.

In short the substance of the protection provided by rule, like R. 55 referred to above, was bodily lifted out of the rules and together with an additional opportunity embodied in S.240(3) of the Government of India Act, 1935, set us to give a statutory protection to the government servants and has now been incorporated in Art. 311(2) so as to convert the protection into a constitutional safeguard."

<sup>2</sup> LAWS(SC) 1957 (12) 5

12. Further, he relied on a catena of decisions of Hon'ble Apex Court viz., "*Municipal Board, Pushkar v. State Transport Authority, Rajasthan*"<sup>3</sup>; "*D.K. Yadav v. M/s J.M.A. Industries Limited*"<sup>4</sup> and "*Hindustan Petroleum Corporation Limited v. Super Highway Services*"<sup>5</sup>, wherein the it was held as follows:

"17.....non service of notice to the aggrieved person before termination of his dealership agreement also offends the well established principle that no person should be condemned unheard. It was the duty of the petitioner to ensure that the Respondent No.1 was given a hearing or at least serious attempts were made to serve him with notice of the proceedings before terminating his agreement".

13. In "*Kanwar Natwar Singh v. Director of Enforcement*"<sup>6</sup>, wherein the Hon'ble Apex Court held that A noticee is always entitled to satisfy the Adjudicating Authority that those very documents upon which reliance has been placed do not make out even a prima facie case requiring any further inquiry. He further relied upon catena of decisions of the Hon'ble Apex Court in "*State of Odisha v. Satish Kumar Ishwardas Gajbhiye*"<sup>7</sup>; "*T. Takano v. Securities and Exchange Board of India*"<sup>8</sup>, wherein it was discussed that line

<sup>3</sup> LAWS(SC) 1962 (11) 25

<sup>4</sup> LAWS(SC) 1993 (5) 26

<sup>5</sup> LAWS(SC) 2010 (2) 2

<sup>6</sup> LAWS(SC) 2010 (10) 73

<sup>7</sup> LAWS(SC) 2021 (10) 142

<sup>8</sup> LAWS(SC) 2022 (2) 71

of cases of the court on the duty to disclose investigative material and same lines also viewed in "*Deepak Ananda Patil v. State of Maharashtra*"<sup>9</sup>.

14. Apart from that learned counsel for the appellant also placed on record the decisions of this Court in "*K. Venkateswara Rao v. State of Andhra Pradesh*"<sup>10</sup>, wherein it was discussed the decision of the Hon'ble Apex Court in "*K.L.Shinde v. State of Mysore*"<sup>11</sup> and held that the respondent authorities have failed to afford a reasonable opportunity to the petitioner to effectively defend himself and that the impugned proceedings have been issued in gross violation of the principles of natural justice. Further in "*Battula Vemula Nagamani v. State of Andhra Pradesh*"<sup>12</sup>, wherein this Court discussed the decision of the Hon'ble Apex Court in "*Whrilpool Corporation v. Registrar of Trade Marks, Mumbai and Others*"<sup>13</sup> held in the context of availability of alternative and efficacious remedy for fair conclusion of proceedings after giving ample opportunity to the respective parties.

<sup>9</sup> LAWS(SC) 2023 (1) 20

<sup>10</sup> LAWS (APH) 2022 (6) 72

<sup>11</sup> (1976) 3 SCC 76

<sup>12</sup> LAWS(APH) 2022(9) 86

<sup>13</sup> AIR 1999 SC 22

15. Learned counsel for the petitioner vehemently argued that the catena of decisions cited supra, the 2<sup>nd</sup> respondent has not given fair opportunity to the petitioner and issued impugned proceedings and that the same is illegal and void. Hence, requested to suspend the same till the disposal of the main

C.M.A.

16. On the other hand, learned Advocate General, placed on record the decisions of the Hon'ble Apex Court in "*Allgarh Muslim University and Others v. Mansoor Ali Khan*"<sup>14</sup>, wherein it was held as follows:

"22. In *M.C. Bhatta* it was pointed out that at one time, it was held in *Ridge v. Baldwin* that breach of principles of natural justice was in itself treated as prejudice and that no other 'de facto' prejudice needed to be proved. But, since then the rigour of the rule has been relaxed not only in England but also in our country. In *S.L. Kapoor v. Jagmohan Chinnappa Reddy & others* followed *Ridge v. Baldwin* and set aside the order of supersession of the New Delhi Metropolitan Committee rejecting the argument that there was no prejudice though notice was not given. The proceedings were quashed on the ground of violation of principles of natural justice. But even in that case certain exceptions were laid down to which we shall presently refer.

23.

24. The principle that in addition to breach of natural justice, prejudice must also be proved has been developed in several cases. In *K.L. Tripathi v. State Bank of India* Subyasachi Mukharji, J (as he then was) also laid down the principle that not mere violation of natural justice but de facto prejudice (other than non-issue of notice) had to be proved. It was observed, quoting

---

<sup>14</sup> 2000 SCC Online 531218

Wade's Administrative Law, (5th Edn. pp. 472-75), as follows: (SCC p. 58, para 31)

"[I]t is not possible to lay down rigid rules as to when the principles of natural justice are to apply, nor as to their scope and extent.... There must also have been some real prejudice to the complainant; there is no such thing as a merely technical infringement of natural justice. The requirements of natural justice must depend on the facts and circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting, the subject-matter to be dealt with, and so forth."

Since then, this Court has consistently applied the principle of prejudice in several cases. The above ruling and various other rulings taking the same view have been exhaustively referred to in *State Bank of Patiala v. S.K. Sharma*<sup>15</sup>. In that case, the principle of 'prejudice' has been further elaborated. The same principle has been reiterated again in *Rajendra Singh v. State of M.P.*"

17. In "*Canara Bank v. V.K. Awasthy*"<sup>16</sup>, wherein the Division Bench of the Hon'ble Apex Court held as follows:

"7. The crucial question that remains to be adjudicated is whether principles of natural justice have been violated; and if so, to what extent any prejudice has been caused. It may be noted at this juncture that in some cases it has been observed that where grant opportunity in terms of principles of natural justice do not improve the situation, 'useless formality theory' can be pressed in to service.

18. As was observed by this Court we need not to go into 'useless formality theory' in detail; in view of the fact that no prejudice has been shown. As is rightly pointed out by the learned counsel for the appellant, unless failure of justice is occasioned or that it would not be in public interest to do so in a particular case, this Court may refuse to grant relief to the employee concerned. (See *Godde Venkateswara Rao v. Govt. of A.P.*) It is to be noted that legal formulations cannot be divorced from the fact situation of the case.

<sup>15</sup> (1996) 3 SCC 364

<sup>16</sup> (2005) 6 SCC 321



Personal hearing was granted by the Appellate Authority, though not statutorily prescribed. In a given case post-decisional hearing can obliterate the procedural deficiency of a pre-decisional hearing. (See *Charan Lal Sahu v. Union of India*).

18. In "*K. Swarna Kumari, Subordinate Judge (Compulsorily Retired) v. Government of Andhra Pradesh and others*"<sup>17</sup>, wherein the Division Bench of the Hon'ble Apex Court held as follows:

"29. It has to be further observed that the petitioner must satisfy the prejudice that caused to her i.e. procedural departure, which caused detriment to her legal claims or rights. It is to be observed that it is for the delinquent to demonstrate the prejudice and the same has to be considered on its own merits. The earlier Full Bench in *Venkata Bharani* (vide *supra*), case observed that natural justice cannot be applied in its rigid form and it is flexible in its application and that the applicability of the principles of natural justice has undergone a sea-change, and a slight infraction of procedural safeguard cannot vitiate the disciplinary proceedings unless it is held that thereby the delinquent employee was seriously prejudiced. In view of the submission made by the learned Standing Counsel appearing on behalf of the High Court that petitioner herself has chosen that she is not desirous to be heard in person basing on the record, we are of the opinion that such doctrine of prejudice and also to contend that the principles of natural justice has been violated. Further straightjacket formula cannot be made applicable but compliance of the doctrine is solely dependent upon the facts and circumstances of each case."

19. In "*S.L. Kapoor v. Jagmohan and Others*"<sup>18</sup>, wherein the Hon'ble Apex Court held as follows:

"Linked with this question is the question whether the failure to observe natural justice does at all matter if the observance

<sup>17</sup> (2006) SCC OnLine AP 97

<sup>18</sup> (1980) 4 SCC 379

*of natural justice. Would have made no difference, the admitted or indisputable facts speaking for themselves. Where on the admitted or indisputable facts only one conclusion is possible and under the law only one penalty is permissible, the court may not issue its writ to compel the observance of natural justice, not because it approves the non-observance of natural justice but because courts do not issue futile writs. But it will be a pernicious principle to apply in other situations where conclusion are controversial, however, slightly, and penalties are discretionary."*

20. On hearing submissions of both the counsel, this Court finds that the petitioner has established prima facie case that the 2<sup>nd</sup> respondent has not followed due procedure. In the instant case, a notice was served on the petitioner, but failed to consider the fact that none of the documents, which were the basis for framing the Charge Memo dated 08.06.2023 are furnished to the petitioner though the petitioner requested the 2<sup>nd</sup> respondents several times in writing to furnish the same, but without furnishing the copies the 2<sup>nd</sup> respondent thrown out the petitioner from the Mutt unceremoniously even without permitting him to take his belongings, further he is not in a position to submit any record to prove his innocence and to prove that the Charges framed against him are false and baseless and that the impugned order is liable to be set aside as contended by the learned counsel for the petitioner.

21. It is argued by the learned Advocate General for the respondents that as per Section 51(G) of the Endowments Act, the character and personal conduct such as celibacy, renunciation comes into consideration, while appointment or removal of the Mahanth to a Matt. It is further contended that the petitioner is acted quite contra to the said proviso and committed grave errors while he was in position as a Mahanth.

22. However the so called irregularities have to be decided on merits only. No doubt, at this juncture, prima facie, the 2<sup>nd</sup> respondent has not given ample opportunity of hearing to conclude the proceedings against the petitioner in this case, in view of the reasons stated supra. The 2<sup>nd</sup> respondent simply relied on the decision taken by the Three Members Committee to Dharmika Parishad and issued impugned proceedings, which is illegal and arbitrary.

23. Learned Advocate General for the respondents vehemently argued that the State ought not to interfere in religious matter as per Section 51 of the Act, but it is duty of the State to safeguard the interest of the people, when the Mutt acted against the interest of the people. No doubt, interference of State is must, when situation arises to safeguard the interest of the public.

24. Learned counsel for the petitioner expressed urgency in the matter and contended that the Dharmika Parishad is taking steps to fill up the post of Mathadhipathi of the Mutt on 30.01.2024 and if the Dharmika Parishad is permitted to fill up the post of Mathadhipathi with a new person, not only this C.M.A, but also W.A.No.1080 of 2023 and W.A.No.258 and 259 of 2006 will become infructuous and the petitioner will suffer great loss and hardship.

25. Upon perusal of the material on record, it is apparent on the face of the record that heavy stakes are involved in the matter, which needs detailed discussion for fair disposal. Since learned counsel for the petitioner expressed urgency in the matter as the 2<sup>nd</sup> respondent is going to take steps to appoint Mathadhipati to the Math during pendency of C.M.A and W.A.No.1080 of 2023, this Court is decided to pass order in this application on merits. The catena of decisions relied by the learned counsel for the petitioner is squarely applicable to the facts and circumstances of the case.

26. Having regard to the facts and circumstances of the case, this Court opined that the petitioner has shown prima facie case to stay of all further proceedings dated 19.01.2024 in the matter.

27. Accordingly, there shall be stay of all further proceedings in pursuance of the proceedings dated 19.01.2024, vide Rc.No.25033/37/2022/DP-CELL-Endowments issued by the Dharmika Parshiad, till disposal of the C.M.A.

Sd. M. SRINIVAS  
ASSISTANT REGISTRAR

//TRUE COPY//

For A SECTION OFFICER

To,

1. The Dharmika Parishad, Endowments Department, Andhra Pradesh at Vijayawada.
2. The Principal Secretary, State of Andhra Pradesh, Revenue (Endts.II) Department, Secretariat, Velagapudi, Amaravathi, Guntur District
3. The Member Secretary, Dharmika Parishad, Gollapudi, Vijayawada, Krishna District
4. The Commissioner of Endowments, Government of Andhra Pradesh, Gollapudi, Vijayawada, Krishna District
5. The Regional Joint Commissioner, Endowments Department, Multi Zone-II, Tirupathi, Chittoor District, Andhra Pradesh
6. The Fit Person, Sri Swamy Hathiramji Mutt, R/o. 122, Gandhi Road, Tirupathi, Chittoor District, Andhra Pradesh (Addressee Nos.2 to 6 By RPAD)
7. One CC to Sri. Srinivas Bobbili, Advocate [OPUC]
8. One CC to the Advocate General [OPUC]
9. One spare copy

MM

HIGH COURT

-27-

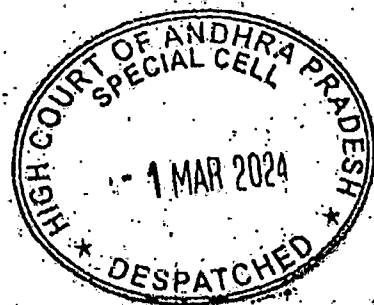
Dr. KMR, J.

DATED:16/02/2024

ORDER

IA.No.2 OF 2024  
IN  
CMA.No.538 of 2023

INTERIM STAY



Memorandum of Civil Miscellaneous Appeal  
(Under Order 43, Rule 1 & 2 of CPC)

BEFORE THE DHARMIKA PARISHAD, ENDOWMENTS  
DEPARTMENT, ANDHRA PRADESH AT VIJAYAWADA

Proceedings in Rc.No.DP1/19027(37)/8/2018 dt.24.11.2023

IN THE HIGH COURT OF ANDHRA PRADESH ATAMARAVATHI

CMA No. 538 OF2023

Between:

Arjun Dass, disciple of H.H. Shri Devenderdassji Varu,  
Aged about 66 years, Mahant of Sri Swami Hathiramji Mutt,  
R/o. 122, Gandhi Road, Tirupathi, Chittoor District, Andhra Pradesh

\_\_\_\_ Appellant

And

1. The State of Andhra Pradesh,  
Rep., by its Principal Secretary,  
Revenue (Endts.II) Department, Secretariat,  
Velagapudi, Amaravathi, Guntur District
2. The Dharmika Parishad,  
Rep. by its Member Secretary  
Gollapudi, Vijayawada, Krishna District
3. The Commissioner of Endowments,  
Government of Andhra Pradesh,  
Gollapudi, Vijayawada, Krishna District
4. The Regional Joint Commissioner,  
Endowments Department, Multi Zone-II,  
Tirupathi, Chittoor District, Andhra Pradesh
5. Sri Swamy Hathiramji Mutt,  
R/o. 122, Gandhi Road, Tirupathi, Chittoor District,  
Andhra Pradesh, Rep. by Fit Person

\_\_\_\_ Respondents

The address for service of all notices and processes of the above named Appellant is that of his counsel Sri Bobbili Srinivas (9649), Advocate, at Flat No.2-3, Mouli Towers, beside Jyothi Mahal, Near Benz Circle, Vijayawada, Andhra Pradesh.

Aggrieved by the orders dt.24-11-2023 passed by the Dharmika Parishad, Endowments Department, Andhra Pradesh removing the Appellant herein from the post of the Mahant of Sri Swamy Hathiramji Mutt, Tirupathi, the appellant begs to submit the present Appeal under Sec.51(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Andhra Pradesh Act No. 30 of 1987) for the following amongst other grounds.

#### GROUND S

1. The impugned order passed by the 2<sup>nd</sup> Respondent Dharmika Parishad is not sustainable either in Law or on facts and contrary to the record and hence, the same needs to be set aside.
2. The impugned order passed by the 2<sup>nd</sup> Respondent Dharmika Parishad is in violation of the Principles of Natural Justice, hence, the same needs to be set aside.
3. The impugned order passed by the 2<sup>nd</sup> Respondent Dharmika Parishad is in contravention of the well settled principle of law that "no man should be condemned unheard", hence, the same needs to be set aside.



4. The impugned order passed by the 2<sup>nd</sup> Respondent Dharmika Parishad is in contravention of statutory mandate under Section 51(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, hence, the same needs to be set aside.

5. The impugned order passed by the 2<sup>nd</sup> Respondent Dharmika Parishad is in violation of the fundamental rights guaranteed under Articles 14, 21, 25 & 26 of the Constitution of India, hence, the same is liable to be set aside.

6. While passing the impugned order, the 2<sup>nd</sup> Respondent Dharmika Parishad failed to consider the fact that none of the documents, which were the basis for framing the Charge Memo dt. 3.06.2023, are furnished to the Appellant though the Appellant requested the Dharmika Parishad several times in writing to furnish the same, hence, the impugned order is liable to be set aside.

7. While passing the impugned order, the 2<sup>nd</sup> Respondent Dharmika Parishad failed to consider the fact that since the Appellant was thrown out of the Mutt unceremoniously even without permitting him to take his clothes, he is not in a position to submit any record to prove his innocence and to prove that the Charges framed against him are false and baseless, hence, the impugned order is liable to be set aside.

8. While passing the impugned order, the 2<sup>nd</sup> Respondent Dharmika Parishad failed to consider the legal notices (sent to the official email IDs of the Dharmika Parishad and all the authorities concerned on 17.07.2023, 24.07.2023 and 31.07.2023) got issued by the Appellant requesting the Dharmika Parishad to furnish all the documents, which

were the basis for framing the Charge Memo dt.8.05.2023, and to give an opportunity to participate the enquiry sought to be conducted by the Dharmika Parishad, hence, the impugned order is liable to be set aside..

9. While passing the impugned order, the 2<sup>nd</sup> Respondent Dharmika Parishad failed to consider the explanation submitted by the Appellant on 03.11.2023 & 06.11.2023 in their proper perspective, hence, the impugned order is liable to be set aside..

10. Though this Hon'ble Court hearing W.P.No.13919/2023, which was filed by the Appellant herein challenging the Charge Memo dt.08.6.2023 and the consequential Suspension Order dt.08.06.2023, the Dharmika Parishad got conducted the enquiry into the charges, which are not only false and baseless but contrary to the record, without furnishing the documents, which were the basis for framing the Charge Memo dt.8.06.2023, and without hearing the Appellant herein and during the pendency of W.A.No.1080/2023 removed the Appellant without considering his request for conducting enquiry afresh as the enquiry said to have been conducted by the three member committee on 19.07.2023 & 20.07.2023 is in violation of Principles of Natural Justice, hence, the impugned order is liable to be set aside..

11. The impugned order passed by the Dharmika Parishad is in contravention of the subsisting interim orders dt.07.09.2006 in W.A.No.258/2008, hence, the impugned order is liable to be set aside.

12. The reasons given by the 2<sup>nd</sup> Respondent Dharmika Parishad are not sound in law and other grounds would be urged at the time of arguments with the permission of this Hon'ble Court.

- 32 -

Under the impugned order, the Appellant is removed from the post of the Mahant of Sri Swamy Hathiramji Mutt, Tirupathi, hence, fixed court fee of Rs.10/- is paid herewith.

AMARAVATHI  
Dt: 27-11-2023

Bobbili Srinivas (9649)  
Counsel for the Appellants

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

I.A. No. OF 2023

IN

CMA No. OF 2023

Between:

Arjun Dass, disciple of H.H. Shri Devenderdassji Varu,  
Aged about 66 years, Mahant of Sri Swami Hathiramji Mutt,  
R/o. 122, Gandhi Road, Tirupathi, Chittoor District, Andhra Pradesh  
\_\_\_\_ Applicant/Appellant

And

1. The State of Andhra Pradesh,  
Rep., by its Principal Secretary,  
Revenue (Endts.II) Department, Secretariat,  
Velagapudi, Amaravathi, Guntur District
2. The Dharmika Parishad,  
Rep. by its Member Secretary  
Gollapudi, Vijayawada, Krishna District
3. The Commissioner of Endowments,  
Government of Andhra Pradesh,  
Gollapudi, Vijayawada, Krishna District
4. The Regional Joint Commissioner,  
Endowments Department, Multi Zone-II,  
Tirupathi, Chittoor District, Andhra Pradesh
5. Sri Swamy Hathiramji Mutt.  
R/o. 122, Gandhi Road, Tirupathi, Chittoor District,  
Andhra Pradesh, Rep. by Fit Person  
\_\_\_\_ Respondents/Respondents

AFFIDAVIT

I, Arjun Dass, disciple of H.H. Shri Devenderdassji Varu, Aged: 66  
years, Mahant of Sri Swami Hathiramji Mutt, R/o.122, Gandhi Road,  
Tirupathi, Chittoor, Andhra Pradesh, now having temporarily come down

to Vijayawada, do hereby solemnly affirm and sincerely state on oath as follows:

1. I submit that I am the Petitioner herein as such I am well acquainted with the facts stated hereunder.
2. I submit that this Civil Miscellaneous Appeal is filed humbly praying this Hon'ble Court to set aside Proceedings in Rc.No.DP1/19027(37)/8/2018 dt.24.11.2023 passed by the 2<sup>nd</sup> Respondent and quash the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.
3. I submit that I am one of the disciples of Sri Devenderdass Ji varu and I was appointed as interim Mahant of the Mutt by the 1<sup>st</sup> Respondent State by order dt.7.9.1990. Later 3<sup>rd</sup> Respondent Commissioner of Endowments conducted enquiry and having satisfied that I performed my duties as interim Mahant in befitting manner and co-operative in smooth running of the administration of the Mutt, by order dt.6.7.2000 accorded permission to me to succeed to the office of Mathadhipathi under Section 53(1) of the A.P.Endowments Act. However, by separate proceedings passed on the same day i.e., 6.7.2000, the Commissioner of Endowments ordered that the Special Grade Deputy Collector appointed by the Government would continue as custodian of the Mutt for managing the secular affairs and for safeguarding the Mutt and its properties.
4. I submit that I assumed charge as Mahant of the Mutt on 18.7.2000 and the Pattabhishekam was performed on 8.10.2000. It is not in dispute that for the purpose of Pattabhishekam, Commissioner of Endowments vide proceedings dated 6-9-2000 and 22.9.2000 accorded permission to

the custodian to incur necessary expenditure in consultation with the Mahant. However, since the Custodian was continued to deal with the management of the Mutt and I was confined to discharge religious activities, I filed W.P.No.4326/2002 seeking a writ of Mandamus directing the Commissioner of Endowments to remove the custodian and direct him to hand over the charge of the Mutt including administration of properties of the Mutt. In the said writ petition, I specifically alleged that the custodian was mismanaging the properties of the Mutt and that he was unable to administer the affairs of the Mutt properly, maintaining the sanctity of the mutt.

5. Since I filed W.P.No.4326/2002 for removal of the Custodian, the 1<sup>st</sup> Respondent State during pendency of the above Writ Petition, issued proceedings dt.10.10.2002 to show cause as to why my appointment as permanent Mahant should not be cancelled. Aggrieved by the same, I filed W.P.M.P.No.29492/2002 in W.P.No.4326/2002 seeking suspension of the operation of the notice dt.10.10.2002. Having regard to the fact that the impugned notice was only a show cause notice, this Court by order dated 25.11.2002 granted liberty to me to submit appropriate explanation to the show cause notice and directed the 1 Respondent herein to dispose of the matter within 8 weeks from the date of receipt of the explanation, after affording an opportunity of hearing to me as well as the representative of the Commissioner of Endowments. It was also ordered that until such time, the respondents should not disturb me. Accordingly, I submitted my explanation dt.28.10.2002 and 7.12.2002. However, the Government by order dated 10.07.2003 erroneously set aside the order of the Commissioner dt.6.7.2000 and directed the Commissioner to fill up.

the office of the Mahant and make interim arrangement in accordance with law.

6. I submit that questioning the said order dt.10.7.2003 passed by the Government, I filed W.P.No.14856/2003. After elaborate hearing, a Hon'ble Single Judge of this Hon'ble Court, by judgment dt.27.1.2006 allowed both the writ petitions. Aggrieved by the said judgment dt.27.1.2006, the Respondents herein filed W.A.No.258 and 259 of 2006 and at the admission stage; this Hon'ble Court by an interim order dt.13.3.2006 was pleased to suspend the common judgment of the Hon'ble Single judge dt.27.1.2006.

7. Thereafter, I filed W.A.V.M.P.No.1535/2006 in W.A.No.258 of 2006 praying this Hon'ble Court to vacate the above said interim order. After considering the relevant material and after elaborate hearing, this Hon'ble Court by order dt.7.9.2006 was pleased to vacate the interim order dt.13.03.2006 with a rider that the person who will be put in possession of the properties of the Mutt and will become entitled to manage its affairs, shall not be entitled to dispose of any property of the Mutt. The relevant portion of the judgment orders dt.7.9.2006 reads as follows:

"Further arguments heard and record perused. We have gone through Action taken Report, which the learned Special Government Pleader has produced during the course of arguments.

Shri S.Ramachandra Rao, Senior Advocate appearing for the appellant submits that property worth Rs.1500 Crores

belonging to the Mutt has been frittered away by different officers of the Government who were given charge of the Mutt from 1980 onwards.

Shri A.Satya Prasad, learned Special Government Pleader controverted the statement of Shri S.Ramachandra Rao, but after going through the Action Taken Report, we are of the prima facie convinced that the officers involved in the management of the affairs of the Mutt are responsible for frittering away Acs.245.35 of land, which was sold by private negotiations in complete breach of the mandatory provisions contained in Section 80 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. The Report further shows that Ac.929.72 of land belonging to the Mutt has been encroached. This could not have been possible without active or at least tacit connivance of the concerned officers. The report of the Vigilance Department is also indicative of widespread corruption by those officers who were entrusted with the task of managing the affairs of the Mutt.

From what we observed above, it is reasonable to infer that if the property continues to remain in the hands of the officers of the Government, there is every possibility of the remaining land and properties being frittered away and by the time the appeal is decided, nothing would be left.



In the premise aforesaid, we allow the application and vacate ad interim order dt.13-03-2005.

However, it is made clear that the person(s) who will be put in possession of the properties of the Mutt and will become entitled to manage its affairs shall not be entitled to dispose of any property of the Mutt by public auction or by negotiations or by private settlement or in any other manner whatsoever".

8. Subsequently, when the Respondents therein violated the said orders dt.7.9.2006, I filed a contempt case, which resulted in the Government handing over the management of the Mutt to me on 16.11.2006.

9. I submit that from the date of handing over the charge of the Mutt to me in the year 2006 till date, i.e., for the last more than 16 years, I have been managing the affairs of the Mutt while protecting the properties of the Mutt. As I have been protecting all the properties of the Mutt from being encroached by the land grabbers, the land grabbers bore grudge against me. I never committed any irregularity or illegality and I never violated the orders of this Hon'ble Court. The interim order dt.7.9.2006 in W.A.V.M.P.No.1535/2006 in W.A.No.258/2006 is still in force and both writ appeals are pending, and I have been managing the affairs of the Mutt strictly in accordance with law while scrupulously following the religious tenets, practices and customs without any complaint.

10. While so, on administrative grounds and in the best interest of the Mutt and devotees, I, being the secular and religious head of the Mutt, transferred Sri Madhava Doss, Poojari of Jabali Temple, Tirumala as

Poojari of Anjaneyaswamy Temple, Vellore, Tamil Nadu, by orders dt.8.12.2017. Similarly, I transferred Sri Arundass, Poojari of Venugopalaswamy Temple, Tirumala at his request to Jabali Temple, Tirumala and later transferred to Venkateswara Swamy Temple, Sugur, Kalgi, Gulbarga, Karnataka by orders dt.8.12.2017. While working as poojaris of the said temples at Tirumala, these two persons made huge money in illegal manner.

11. As I transferred them to other temples, these two poojaris bore grudge against me as they will lose their regular unauthorized and illegal income and these two poojaris without joining in the transferred places, started abusing me and making false allegations against me and as such I was constrained to place them under suspension till their joining duty at the transferred places by orders dt.12.12.2017. Then, these two Poojaris threatened me that they will see my end.

12. That apart, Mr.A.B.Srinivasan, ex-employee of the Mutt, bore grudge against me as was reverted to the post of Jr.Assitas per the directions of the Commissioner, Endowments. He filed W.P.No.9423/2014 (dismissed for default by order dt.12.05.2023), C.C.No.2082/2014 and filed false complaint against me (Case No. 890 of 2015/B1) before the Hon'ble Lok Ayuktha.

13. Besides, Mr.Kola Lakshmipati, Editor of Mayavi Newspaper several times requested me to give advertisements of the Mutt to his Mayavi Newspaper (local fortnight newspaper having no circulation), but, I used to give advertisements to the newspapers, which are having largest circulation, hence Mr. Kola Lakshmipati bore grudge against me.

14. That apart, Mr. Shyam Dass, who was the erstwhile cook of the Mutt, who was terminated as he assaulted against the former Mahant Sri Devenderdassji Varu, with a mala fide intention to be appointed as Mahant of Sri Swamy Hathiramji Mutt filed W.P.No.12584/2018 with false allegations and the said writ petition is pending.

15. Then, these two Poojaris viz., Sri Madhava Doss, Sri Arundass and Mr. A.B. Srinivasan joined hands with Sri Kola Lakshmi pati, Editor of Mayavi Newspaper, and with a mala fide intention to defame me and dethrone me from the office of the Mahant of Sri Swamy Hathiramji Mutt, conspired together and got published a news item with false, abusive and defamatory allegations against me. These false news items were published in newspapers in Dec-2017 and were broadcast in electronic media. From the live broadcast in the electronic media itself and the statement given in live telecast by the lady by name Hema Maheswari, it is clear that the allegations made against me are false and baseless and made with mala fide intention to defame me.

16. It is strange to note that in order to defame me, the said two Poojaris and Mr. A.B. Srinivasan, Mr. Kola Lakshmi pati, Editor of Mayavi Newspaper fabricated one "Memorandum of Understanding" dt. 4.12.2007 and the fabrication of the same is evident to the naked eye.

17. Except the false allegations appeared in the print and electronic media and the false complaints made by Mr. A.B. Srinivasan, Mr. Shyam Dass, Mr. Arundass, no complaints were made against me. As per the settled law, newspaper items should not be the basis for any enquiry. The initiation of enquiry based on newspaper allegations would

lead to an unhealthy practice. When similar allegations made by Mr. Madan Mohan @ Madhu and Mr. Dwarakanath Reddy, the Government after conducting detailed enquiry held that the said allegations are false and closed the complaint.

18. I humbly submit that I have been functioning as Mahant of Sri Swami Hathiramji Mutt as per the orders of this Hon'ble Court from 16.11.2006 till date without any remark. As mentioned above, two Mutt Employees viz., (i) Sri Madhavdoss and (ii) Sri Arundass along with Sri A.B. Srinivasan (ex-employee of the Mutt), who bore grudge against me conspired with the Editor of Mayavi Newspaper and with a mala fide intention to defame me and to dethrone me from the office of the Mahant of Sri Swamy Hathiramji Mutt, got published false allegations against me and the falsity of the said allegations were established from the live telecast of the said allegations in the electronic media and the fabricated record.

19. While so, 4<sup>th</sup> Respondent herein issued proceedings in Rc.No.B3/6602/2017 dt.28.12.2017 stating "It is proposed to conduct an enquiry into the allegations published in Mayavi News Paper against Sri Mahanthvaru, Sri Swamy Hathiramji Mutt, Tirupati, by the Regional Joint Commissioner, Endowments Department, Multi Zone-II, Tirupati...".

20. Later, 1<sup>st</sup> Respondent State by the impugned Proceedings in Memo.No.959404/Endt-II/2017 dt.2.01.2018 directing the Commissioner of Endowments to examine the representations submitted by Sri Arundass and another dt.14.12.2017 and the petition received from Sri D. Nagarjuna

Sharma dt.20.12.2017 and furnish a detailed report to the Government immediately.

21. As these two proceedings dt.28.12.2017 and 21.1.2018 are not only illegal and unconstitutional, I approached this Hon'ble Court by filing W.P.No.9716/2018. Having considered the material on record, this Hon'ble Court was kind enough to grant an interim order dt.03.04.2018 suspending the proceedings dt.28.12.2017 and 21.1.2018, which reads as follows.

"Since only Dharmika Parishad constituted under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 has jurisdiction to initiate any proceedings leading to removal of Matadhipati, like the Petitioner, and the 2<sup>nd</sup> Respondent has no jurisdiction to do so, there shall be interim direction as prayed for".

22. During the subsistence of interim orders dt.7.9.2006 in W.A.V.M.P.No.1535/2006 in W.A.No.258/2006 passed by the Hon'ble Division Bench of this Hon'ble Court and during the subsistence of the interim order dt.3.4.2018 in W.P.No.9716/2018, 3<sup>rd</sup> Respondent Commissioner issued proceedings Rc.No.DP1/19027(37)/8/2018-1 dt.28.01.2020 framing Charges 1 to 11 against me and also issued consequential orders proceedings Rc.No.DP1/19027(37)/8/2018-2 dt.28.1.2020 suspending me from the office of the Mahant of Sri Swami Hathiranaji Mutt and appointed the Executive Officer of Sri Kalahastheeswara Swamy Devasthanam, Srikalahasthi, Chittoor District

as fit person. Later by proceedings bearing Rc.No.DP1/19027(37)/8/2018 dt.10.02.2020 framed additional charges 12-19.

23. Aggrieved by the orders bearing Rc.No.DP1/19027(37)/8/2018-2 dt.28.01.2020, whereunder (i) I was suspended from the office of the Mahant of Sri Swami Hathiramji Mutt and (ii) the Executive Officer of Sri Kalahastheeswara Swamy Devasthanam was appointed as fit person, I approached this Hon'ble Court challenging the orders bearing Rc.No.DP1/19027(37)/8/2018-2 dt.28.1.2020. At his juncture it is most significant to note that Having perused the material on record, a Hon'ble Single Judge of this Hon'ble was pleased to grant an interim order dt.10.02.2020 in my favour and the operative portion of the said interim order reads as follows:

"8. For the aforesaid reasons, there shall be direction to the respondents to continue the petitioner as Mahant of Sri Swamy Hathiramji Mutt and the proceedings in Rc.No.DP1/19027(37)/8/2018-2 dt.28.01.2020, issued by the respondent No.3-Commissioner of Endowments stands suspended for a period of three weeks from today. It is made clear that the petitioner herein shall strictly act in accordance with the earlier orders passed by the Division Bench of the common High Court, in the above referred Writ Appeal."

24. The said interim order dt.10.02.2020 was extended until further orders by order dt.01.10.2020. Aggrieved by the said interim order dt.10.2.2020, Respondents therein filed W.A.No.161 of 2020, which was dismissed by orders dt.28.02.2020. Challenging the same, 2<sup>nd</sup> Respondent

filed SLP(C)No.1287/2021, which was disposed of by order dt.16.02.2021 requesting this Hon'ble Court to dispose of the Writ Petition within three months from the receipt of the copy of the order.

25. While so, this Hon'ble Court by final order dt.13.04.2023 allowed the said Writ Petition by setting aside the proceedings bearing Rc.No.DP1/19027(37)/8/2018-2 dt.28.01.2020 and remitted the matter back to the Dharmika Parishad to proceed and take action in accordance with law, if it is advised to do so and directed that till the action/decision is taken by the Dharmika Parishad, the respondents are directed to continue the same as Mahant of the Sri Swamy Hathiramji Mutt.

26. While so, the 2<sup>nd</sup> Respondent issued the impugned the Proceedings bearing Rc.No.DP1/19027(37)/8/2018-1 dt.8.6.2023 framing 16 charges against me instead of 19 charges framed on 28.01.2020 & 10.02.2020. 2<sup>nd</sup> Respondent also issued consequential (i) order bearing Rc.No.DP1/19027(37)/8/2018-2 dt.8.6.2023 suspending me from the office of the Mahant of Sri Swamy Hathiramji Mutt (ii) order bearing Rc.No.DP1/19027(37)/8/2018-3 dt.8.6.2023 appointing Mr.L.Vijaya Saradhi, Special Deputy Collector, OSD Lands, APIIC Head Office, Mangalagiri as fit person to look after the day-to-day management on secular affairs of the Mutt till further orders subject to consider the claims of disciples of the Mutt if any, by the Dharmika Parishad under Sec.51(2) of the Act.

27. Later, 2<sup>nd</sup> Respondent issued order bearing Rc.No.DP1/19027(37)/8/2018-3 dt.11.6.2023 appointing 5<sup>th</sup> Respondent herein as Fit Person to Sri Swamy Hathiramji Math, Tirupathi on

- 45 -

temporary basis to look after its day-to-day management on secular affairs of the Math, until further orders.

28. I submit that these impugned Charge Memo and the consequential orders dt.08.06.2023 and 11.06.2023 are not only illegal, unjust, arbitrary, without jurisdiction, violative of Principles of Natural Justice and in violation of Articles 14, 21, 25 and 26 of the Constitution of India and but contrary to the subsisting orders of this Hon'ble Court dt.07.09.2006 in W.A.V.M.P.No.1535 of 2006 in W.A.No.258/2006 and interim orders dt.03.04.2018 in W.P.No.9716/2018 and also contrary to Act 30 of 1987 and the Rules made thereunder.

29. Challenging the said Charge Memo dt.8.6.2023 and the consequential Suspension Order dt.8.6.2023, I filed W.P.No.13913/2023. The Respondents herein filed Counter Affidavit and I filed Reply Affidavit. But, the Hon'ble Single Judge by judgment dt.4.10.2023 dismissed the said Writ Petition. Aggrieved by the same, I filed W.A.No.1080/2023 and the same is pending. While so, the 2<sup>nd</sup> Respondent passed the impugned order removing me from the post of the Mahant of the 5<sup>th</sup> Respondent Mutt by stating that the impugned order dt.24.11.2023 will be subject to the outcome of W.A.No.1080/2023. Aggrieved by the same, I am filing the present appeal. I raised various grounds in the grounds of appeal and I crave the leave of this Hon'ble court to read the same as part and parcel of this affidavit. As per the subsisting interim orders dt.07.09.2006 in W.A.No.258/2006, I have been continuing as the Mahant of the 5<sup>th</sup> Respondent herein. Now, in pursuance of the impugned orders dt.24.11.2023, the Respondents are taking steps to appoint another person as a Mahant of the 5<sup>th</sup> Respondent.



- 46 -

Therefore, there urgency in the matter and I am praying this Hon'ble Court to suspend the operation of impugned orders dt.224.11.2023 passed by the 2<sup>nd</sup> Respondent. Otherwise, I will suffer loss and injury which cannot be compensated in any manner.

30. Though the impugned order was passed on 24.11.2023, till now the certified copy is not served upon. The impugned order dt.24.11.2023 was sent by the 5<sup>th</sup> Respondent to my whatsapp number. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to dispense with the filing of the certified copy of the impugned order dt.24.11.2023, otherwise, I will suffer irreparable loss and hardship.

31. It is therefore prayed that this Hon'ble court may be pleased to suspend the Proceedings in Rc.No.DP1/19027(37)/8/2018 dt.24.11.2023 passed by the 2<sup>nd</sup> Respondent, pending disposal of the CMA in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

32. It is also prayed that this Hon'ble court may be pleased to dispense with the filing of the certified copy of the impugned Proceedings in Rc.No.DP1/19027(37)/8/2018 dt.24.11.2023 passed by the 2<sup>nd</sup> Respondent, in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Sworn and signed before me on this  
the 27<sup>th</sup> day of November, 2023 At Amaravathi

DEPONENT

ADVOCATE : AMARAVATHI

- 47 -

VERIFICATION

I, Arjun Dass, the above name Petitioner/Appellant do hereby declare that what all stated above in paras 1 to 30 are true and correct to the best of my knowledge and belief, based on legal advice and relevant record. Hence, verified on this the 27<sup>th</sup> Day of November, 2023.

Bobbili Srinivas (9649)  
Counsel for the Petitioner/Appellant

Deponent

PROCEEDINGS OF THE MEMBER SECRETARY, A.P. DHARMIKA  
PARISHAD, ANDHRAPRADESH

Present : Sri S. Satyanarayana, IAS

**File No: COE-25033/37/2022-DP CELL-ENDOWMENTS**  
**Dt. 25/02/2024.**

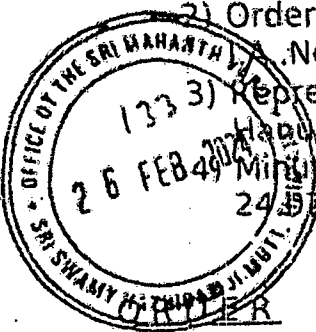
Sub ENDOWMENTS DEPARTMENT - A.P. Dharmika Parishad - Sri Swamy Hathiramji Mutt, Tirupathi - Appointment of Sri Omprakash Doss, Pujari of Japali Hanuman Temple of Sri Swamy Hathiramji Mutt, Tirumala as Interim Mahant of Sri Swamy Hathiramji Mutt, Tirupati to look after the religious activities of the Sri Swamy Hathiramji Mutt, Tirupati in obedience to the orders of the Hon'ble High Court of A.P., Amaravathi issued in WP No.18578/2023 - Orders - Issued - Regarding.

Ref: 1) Orders of the Hon'ble High Court of A.P., at Amaravathi in W.P.No.18578/2023 dated 08.09.2023.

2) Orders of the Hon'ble High Court of A.P., at Amaravathi in W.P.No.2 of 2024 in C.M.A.No. 538 of 2023 dated 09.02.2024

3) Representation of Sri Omprakash Doss, Pujari of Japali Hanuman Temple, Tirumala Dt.29.01.2024

Minutes of the A.P.Dharmika Parishad, Andhra Pradesh dated 24.02.2024



In the reference 1<sup>st</sup> read above, the Hon'ble High Court of A.P., Amravathi has directed the 2<sup>nd</sup> respondent that to consider the appointment of eligible disciples, whose applications are pending consideration, for appointment as 'Interim Mahant' keeping in view, Section 52 of the Act, within a period of four (4) months from the date of receipt of the order.

In the reference 2<sup>nd</sup> read above, the Hon'ble High Court of A.P., Amravathi has granted stay of all further proceedings dated 19-01-2024, vide RC No.25033/37/2022-DP-CELL-Endowments issued by the Dharmika Parishad, till disposal of the C.M.A. In obedience of the orders of the Hon'ble High Court, the A.P. Dharmika Parishad has resolved to stop further process for selection of permanent New Mahant till disposal of the C.M.A.

Sri Swamy Hathiramji Mutt is attending many customs and traditions related to Sri Lord Venkateswara Swamy Temple in Tirumala such as Brahmotsavalu, Radhasaptami, Navaneelma

(Interlocutory Application filed Under Sec.151 of CPC)  
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

I.A.No. of 2024

IN

C.M.A.No. 538 of 2023

Between:

Arjun Dass, disciple of H.H. Shri Devenderdassji Varu,  
Aged about 71 years, Mahant of Sri Swami Hathiramji Mutt,  
R/o. 122, Gandhi Road, Tirupathi, Chittoor District,  
Andhra Pradesh

\_\_\_\_Petitioner/Appellant

And

1. The State of Andhra Pradesh,  
Rep., by its Principal Secretary,  
Revenue (Endts.II) Department, Secretariat,  
Velapudi, Amaravathi, Guntur District
2. The Dharmika Parishad,  
Rep. by its Member Secretary  
Gollapudi, Vijayawada, Krishna District
3. The Commissioner of Endowments,  
Government of Andhra Pradesh,  
Gollapudi, Vijayawada, Krishna District
4. The Regional Joint Commissioner,  
Endowments Department, Multi Zone-II,  
Tirupathi, Chittoor District, Andhra Pradesh
5. Sri Swamy Hathiramji Mutt,  
R/o. 122, Gandhi Road, Tirupathi, Chittoor District,  
Andhra Pradesh, Rep. by Fit Person

\_\_\_\_Respondents/Respondents

\_\_\_\_Respondents

For the reasons stated in the accompanying affidavit, it is humbly  
prayed that this Hon'ble Court may be pleased to stay all further

-50-

proceedings in pursuance of the proceedings bearing Rc.No.25033/37/2022/DP-CELL-Endowments Dt.19.01.2024 issued by the Dharmika Parishad, pending disposal of the CMA in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Vijayawada  
Dt.22.01.2024

Bobbili Srinivas (9649)  
Counsel for the Petitioner/Appellant

151-

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

I.A.No.        of 2024

IN

C.M.A.No.538of 2023

Between:

Arjun Dass, disciple of H.H. Shri Devenderdassji Varu,  
Aged about 71 years, Mahant of Sri Swami Hathiramji Mutt,  
R/o. 122, Gandhi Road, Tirupathi, Chittoor District,  
Andhra Pradesh \_\_\_\_\_Petitioner

And

The State of Andhra Pradesh, Rep., by its Principal Secretary,  
Revenue (Endts.II) Department, Secretariat, Velagapudi,  
Amaravathi, Guntur District & 4 others \_\_\_\_\_Respondents

ADDITIONAL AFFIDAVIT OF THE PETITIONER

I, Arjun Dass, disciple of H.H. Shri Devenderdassji Varu, Aged: 71 years, Mahant (under suspension) of Sri Swami Hathiramji Mutt, R/o.122, Gandhi Road, Tirupathi, Chittoor, Andhra Pradesh, now having temporarily come down to Amaravathi, do hereby solemnly affirm and sincerely state on oath as follows:

1. I submit that I am the Appellant herein as such I am well acquainted with the facts stated hereunder.
2. I submit that I filed the above CMA Appeal under Sec.51(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (in short 'Endowments Act') challenging orders dt.24-11-2023 passed by the Dharmika Parishad, Endowments Department, Andhra Pradesh under Section 51(2) of the Endowments

152

Act removing me from the post of Mahant of Sri Swamy Hathiramji Mutt, Tirupathi.

3. I submit that 2<sup>nd</sup> Respondent Dharmika Parishad filed Counter Affidavit on 11.12.2023. Later, i.e., on 12.12.2023, the 2<sup>nd</sup> Respondent filed a Memo along with G.O.Ms.No.581 Revenue (Endowments.II) Department dt.08.12.2023 wherein the Government confirmed the Orders dt.24.11.2023 passed by 2<sup>nd</sup> Respondent Dharmika Parishad removing me from the post of the Mahant of Sri Swamy Hathiramji Mutt, Tirupati. Therefore, I filed I.A.No.3/2023 in CMA No.538/2023 humbly paying this Hon'ble Court to permit me to amend the prayer in the present CMA challenging G.O.Ms.No.581 Revenue (Endowments.II) Department dt.08.12.2023 and seeking a prayer to set aside the same.

4. Today, it is learnt to me that the Dharmika Parishad is taking steps to fill up the post of Mathadhipathi of Sri Swamy Hathiramji Mutt on 30.1.2024 and for this purpose, 2<sup>nd</sup> Respondent Dharmika Parishad by orders dt.19.1.2024 directing the Fit Person of Sri Swamy Hathiramji Mutt as follows:

“5. The Fit Person of the Mutt is directed to identify the Maths which are following Ramananda Sampradayam for selection of new Mathadhipathi to the Math as already instructed and convene the meeting of all the heads of the Maths following Ramananda Sampradayam on 30<sup>th</sup> of January, 2024”.

5. I submit that impugned order dt.24.11.2023 passed by the 2<sup>nd</sup> Respondent Dharmika Parishad and G.O.Ms.No.581 Revenue

53

(Endowments.II) Department. dt.8.12.2023 issued by the Government confirming the said removal order and consequential proceedings bearing Rc.No.25033/37/2022/DP-CELL-Endowments Dt.19/01/2024 issued by the Dharmika Parishad to selection of new Mathadhipathi to the Math during the pendency of this CMA and W.A.No.1080/2023 are ex facie illegal and unconstitutional and as such they are liable to be set aside.

6. I submit that if the Dharmika Parishad is permitted to fill up the post of Mathadhipati with a new person, not only this CMA, but WA.1080/2023 & WA.253 & 259 of 2006 will become infructuous and the Appellant will suffer irreparable loss and hardship. I am advised that I have fair chances of success in this CMA. I may be permitted to read the Grounds of Appeal and the Affidavit filed in support of the Amendment Petition i.e., I.A.No.3/2023 in CMA No.538/2023 as part and parcel of this Affidavit. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to grant an interim order staying all further proceedings in pursuance of the Procs.Rc.No.25033/37/2022/DP-CELL-Endowments Dt.19/01/2024.

7. It is therefore necessary in the interest of justice that this Hon'ble Court may be pleased to stay all further proceedings in pursuance of the proceedings bearing Rc.No.25033/37/2022/DP-CELL-Endowments Dt.19.01.2024 issued by the Dharmika Parishad, pending disposal of the CMA in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Sworn and signed before me on this  
the 22<sup>nd</sup> day of January, 2024 at Vijayawada

DEPONENT

ADVOCATE : VIJAYAWADA



VERIFICATION

I, Arjun Dass, the above name Petitioner/Appellant do hereby declare that what all stated above in paras 1 to 6 are true and correct to the best of my knowledge and belief, based on legal advice and relevant record. Hence, verified on this 22<sup>nd</sup> day of January, 2024 at Vijayawada.

Bobbili Srinivas (9649)  
Counsel for the Petitioner/Appellant

Deponent

Harathi, Thotostsavam, Vutlostavam etc., and the Math is organizing Barsi's, Sadhu Feeding and Goseva etc., regularly which are the main objects of the Sri Ramananda cult.

Sri Swamy Hathiramji Mutt is also organizing 18 very old ancient temples in all over India i.e. 5 temples in Tirumala, 6 Temples at Tirupati of Andhra Pradesh State and 7 temples in other States of India.

In the absence of Mahanth, it is becoming very difficult to attend the religious customs and rituals in the above said Temples as per Ramananda cult and main objects of Sri Swamy Hathiramji Mutt by the Fit Person, since the Fit Person is an Government employee and not related to Ramananda Cult. The devotees who are visiting Sri Swamy Hathiramji Mutt from all over India particularly from North India are facing inconvenience due to non availability of Mahanth.

At present, 21 religious staff working in the Mutt. The Mahanth is to co-ordinate with all the religious staff working in the Mutt to follow the customs and traditions of the Mutt as per Sri Ramananda Sampradaya.

Hence, appointment of Mahanth is become very necessary to attend the religious affairs of the Math.

The A.P. Dharmika Parishad has discussed in detail in the light of Hon'ble Court orders and resolved to appoint an interim Mahant in obedience to the Orders of the Hon'ble High Court of A.P., at Amaravathi in W.P.No.18578/2023 dated 08.09.2023 to appoint Interim Mahanth to Sri Swamy Hathiramji Mutt, Tirupathi temporarily to look after the religious activities smoothly in the Math in the place of Fit Person subject to outcome of Court Cases and to appoint an officer in the vacant post of Administrative Officer to look after secular affairs of the Muth.

After considering the applications/representations of the various applicants applied for the post of Mahant of Sri Swamy Hathiramji Mutt, Tirupathi in the meeting held on 24.02.2024 and in obedience to the Orders of the Hon'ble High Court of A.P., at Amaravathi in W.P.No.18578/2023 dated 08.09.2023 the A.P. Dharmika Parishad has resolved to consider the application of Sri Omprakash Doss for appointment him as 'Interim Mahanth' of Sri Swamy Hathiramji Mutt, Tirupathi temporarily to look after only religious activities of the Sri Swamy Hathiramji Mutt, Tirupathi subject to outcome of Court Cases, as he is fulfilling all the requirements and to appoint Mr Ramesh Naidu, Executive Officer of Sri Tirupathamma Temple,

Perruganchiprolu, as Administrative Officer to look after secular affairs of the Muth on FAC and instructed the Member Secretary of A.P. Dharmika Parishad/ Commissioner for Endowments to issue orders accordingly vide minutes 4<sup>th</sup> cited.

In the 3<sup>rd</sup> read above, Sri Omprakash Doss, Pujari of Japali Hanuman Temple, Tirumala represented that he is a North-India Brahmin Bairagi, working in Sri Swamy Hathiramji Mutt, Tirupathi since 12 years, presently working as Pujari at Japali Hanuman Mandir at Tirumala, sincere devotee of Lord Rama & Lord Venkateswara Swamy, well acquainted with the Ramananda Sampradaya and following the customs strictly prevailing in the said Sampradaya, previously attended for Navaneetha Harathi to Sri Lord Venkateswara Swamy Temple, Tirumala on behalf of Sri Hathiramji Mutt daily for 4 years and he is well versed with Hindi language and Telugu language as well. He further represented that he is interested to look after the religious activities of the Mutt only and he is not willing to manage the secular affairs of the Mutt. He finally requested the Dharmika Parishad to appoint him as Mahanth of Sri Swamy Hathiramji Mutt, Tirupati to look after the religious activities of the Mutt only.

Therefore, in obedience to the Orders of the Hon'ble High Court of A.P., Amaravathi in WP No.18578/2023, Sri Omprakash Doss, presently working as Pujari at Japali Hanuman Temple of Sri Swamy Hathiramji Mutt, Tirumala is appointed as 'Interim Mahant' of Sri Swamy Hathiramji Mutt, Tirupathi temporarily for conducting only religious activities of the Mutt under section 52 of Endowments Act, 1987 and subject to the result of all the Writ Petitions filed before the Hon'ble High court of A.P., Amaravathi for Mahantship of the Mutt.

This arrangement is purely on temporary basis for smooth conduct of religious activities in the Mutt and it can be withdrawn at any point of time without prior notice.

Mr. Ramesh Naidu, Fit person is here by instructed to handover the religious affairs charge of Sri Hathiramji Math, Tirupati to the newly appointed Interim Mahant immediately and submit report compliance.

Mr. Ramesh Naidu, Executive Officer of Sri Tirupathamma vari Temple, Penuganchiprolu shall look after the duties of Administrative Officer on Full Additional Charge basis to run secular affairs of the Math till appointment of regular Administrative Officer.

S. Satyanarayana

HIGH COURT

CONTEMPT CASE No. of 2024

IN

I.A.No.2 of 2024

IN

C.M.A.No.538 of 2023

CHITTOOR DISTRICT

Arjun Dass

... Petitioner/s

By SRINIVAS BOBBILI (9649)

NATURE OF APPLICATION  
(UNDER SEC. 10 TO 12 OF  
CONTEMPT OF COURTS ACT)

The Hon'ble Court may be pleased  
to punish the Respondents for their  
willful and deliberate disobedience  
of the orders dt.09.02.2024 passed  
by this Hon'ble Court in I.A.No.2  
of 2024 in C.M.A.No.538 of 2023,  
under the provisions of the  
Contempt of Courts Act, 1971 and  
pass such other order or orders may  
deem fit and proper in the  
circumstances of the case.

FILED ON: 04.03.2024

CHITTOOR DISTRICT

IN THE HIGH COURT OF  
ANDHRA PRADESH  
AT AMARAVATI

CONTEMPT CASE No. of 2024

IN

I.A.No.2 of 2024

IN

C.M.A.No.538 of 2023

BETWEEN:

Arjun Dass

..Petitioner

AND

Sri S.Satyanarayana, IAS & others

...Respondent

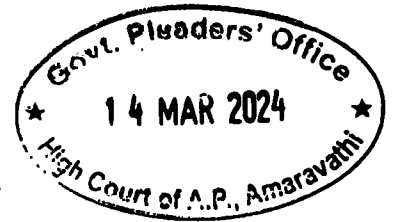
*Arbitration  
Conf. S.*

MEMO OF CONTEMPT CASE



APOLCMS

Thursday, Mar 14, 2024 13:21:19 PM



Filed By:

M/s SRINIVAS BOBBILI (9649)

Counsel for Petitioner

9866043939

7993633930