

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P. No.

OF 2025

CHRONOLOGICAL / RUNNING INDEX

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7.	P-1	Copy of Affidavit in common High Court along with neat copy		-do-	12-26
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AMARAVATHI
DATE: 29.04.2025

Counsel for the Petitioner

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MEMORANDUM OF WRIT PETITION
(SPECIAL ORIGINAL JURISDICTION)
(UNDER ART. 226 OF THE CONSTITUTION OF INDIA)
HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P.NO.

OF 2025

Between

Boddeboina Guravaiah, s/o.Gangalah
Aged about 77 years, Trustees Pujari,
Sri Bhagirathi Gangamma Temple,
R/o. Vengalapuram, Peda Cherlopalli Mandal,
Prakasam District.

...Petitioner

AND

1. The State of Andhra Pradesh
Rep. by its Principal Secretary Endowments Department
AP Secretariat, Velaapudi, Amaravati,
Guntur District, 522503.
2. The Commissioner
Endowments Department, AP Vijaywada.
3. The Deputy Commissioner of Endowments,
Guntur.
4. The Assistant Commissioner,
Endowments Department Ongole
Prakasam District.

...Respondents

The address for service on the above-named Petitioner is that of his
Counsel G V S KISHORE KUMAR (10202), G. Sai Lochan (26275) G.
SURAJ (24190) Flat No.104 F Block, Prime Galaxy, Dolas Nagar, Tadepalli,
Guntur District.

For the reasons stated in the accompanying affidavit, it is therefore
prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or
any other appropriate writ or direction, declaring the action of the respondents
in threatening the Petitioner's management and possession from Sri

(4)

Bhagirathi Gangamma Temple, family deity of the petitioner's, situated at Vengalapuram Village, Peda Cherlopalli Mandal, Prakasam District as illegal, arbitrary, without jurisdiction, and in violation of Articles 14, 25, 26 and 300-A of the Constitution of India and the same is also contrary to the Section 6 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter referred to as an Act), and consequently to direct the respondents not to interfere with the peaceful possession, management, and performance of poojas and other customary rituals at the said temple by the petitioner and his family members, except by following the due process of law strictly in accordance with the Act and to pass such other order or orders as this Honorable Court may deem fit and proper in the circumstances of the case.

AMARAVATHI

Date: 29.04.2025

Counsel for the Petitioner

PRAKASAM: DISTRICT

HIGH COURT OF ANDHRA PRADESH

W.P. NO.

OF 2025

MEMORANDUM OF WRIT PETITION

Filed by:

G V S KISHORE KUMAR (10202)

G.SAI LOCHAN (26275)

P. SARASWATHI (25020)

B. SRINIVASARAO (25804)

ADVOCATES,

COUNSEL FOR THE PETITIONER

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HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P.No.

of 2025

ANNEXURE-I
CHRONOLOGICAL EVENTS OF THE CASE

S.No	Date	Event	Page No.	Para No.
1.	-Nil-	I respectfully submit that the present Writ Petition is filed seeking issuance of a Writ of Mandamus or any other appropriate writ or direction, declaring the action of the respondents in threatening the Petitioner's management and possession from Sri Bhagirathi Gangamma Temple, family deity of the petitioner's, situated at Vengalapuram Village, Peda Cherlopalli Mandal, Prakasam District as illegal, arbitrary, without jurisdiction, and in violation of Articles 14, 25, 26 and 300-A of the Constitution of India and the same is also contrary to the Section 6 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter referred to as an Act), and consequently to direct the respondents not to interfere with the peaceful possession, management, and performance of -poojas and other customary rituals at the said temple by the petitioner and his family members, except by following the due process of law strictly in accordance with the Act	8	2
2.	-Nil-	I respectfully submit that Sri Bhagirathi Gangamma Temple is a small village temple located on the Kandukur-Kanigiri Road, and it has been in existence for more than 300 years. The temple has always been taken care of by my family, the Boddeboina family, for many generations. I am the 23 rd generation from the ancestor who first built the temple. We belong to the Yadava community, and Sri Bhagirathi Gangamma is our family deity (Kuladevata). From the beginning, all poojas and rituals were only performed by members of the Boddeboina family, and no one outside our family has ever worshipped or touched the deity. It is further submitted that there were several legal disputes in the past regarding the right of the Boddeboina family members to perform poojas in the temple.	8	3

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3.	31.08.2001	I respectfully submit that in the year 2001, I was compelled to file W.P. No.21808 of 2001, challenging an order passed by the Endowments Department appointing "Person in Management" under Rc.No. G2/46605/2001-21 dated 31.08.2001. This Hon'ble Court was pleased to grant an interim suspension of the said order on 18.10.2001. I humbly submit that during the pendency of the said writ petition, the respondents never interfered with the affairs of the temple in view of the interim suspension. Subsequently, we came to know that the above writ petition was withdrawn, which is neither to our knowledge or consent and we recently came to know that the above	9	6
4.	-Nil-	I humbly submit that to my utter shock and dismay the respondents are now attempting to take over possession and interfere with the temple property without issuing any proceedings or notices, and without following the procedure contemplated under law. It is respectfully submitted that in the upcoming month there is an annual Jathara festival of Sri Bagirathi Gangamma (Vaisakha Masam) which is celebrated with great religious devotion and the same falls in the month of May and June. This very occasion is very much significant to our family members and the people in our Community. It is a customary practice which is being celebrated for over a period of 300 years.	9	7

ANNEXURE-II

Under Article 226 of Constitution of India.

Place: Amaravathi
Date: 29.04.2025

Counsel for the Petitioner.

(7)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P. No. of 2025

Between

Boddeboina Guravaiah, s/o.Gangalah
Aged about 77 years, Trustees Pujari,
Sri Bhagirathi Gangamma Temple,
R/o. Vengalapuram, Peda Cherlopalli Mandal,
Prakasam District.

...Petitioner

AND

1. The State of Andra Pradesh
Rep. by its Principal Secretary Endowments Department
AP Secretariat, Velaapudi, Amaravati,
Guntur District, 522503.
2. The Commissioner
Endowments Department, AP Vijaywada.
3. The Deputy Commissioner of Endowments,
Guntur.
4. The Assistant Commissioner,
Endowments Department Ongole
Prakasam District.

...Respondents

AFFIDAVIT FILED BY THE PETITIONER

I, Sri Boddeboina Guravaiah, S/o Late Gangalah, aged about 72 years, presently residing at Vengalapuram Village, Peda Cherlopalli Mandal, Prakasam District, 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 and, as such, I am well acquainted with the facts of the case.

2. I respectfully submit that the present Writ Petition is filed seeking issuance of a Writ of Mandamus or any other appropriate writ or direction, declaring the action of the respondents in threatening the Petitioner's management and possession from Sri Bhagirathi Gangamma Temple, family deity of the petitioner's, situated at Vengalapuram Village, Peda Cherlopalli Mandal, Prakasam District as illegal, arbitrary, without jurisdiction, and in violation of Articles 14, 25, 26 and 300-A of the Constitution of India and the same is also contrary to the Section 6 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter referred to as an Act), and consequently to direct the respondents not to interfere with the peaceful possession, management, and performance of poojas and other customary rituals at the said temple by the petitioner and his family members, except by following the due process of law strictly in accordance with the Act and to pass such other order or orders as this Honorable Court may deem fit and proper in the circumstances of the case.
3. I respectfully submit that Sri Bhagirathi Gangamma Temple is a small village temple located on the Kandukur-Kanigiri Road, and it has been in existence for more than 300 years. The temple has always been taken care of by my family, the Boddeboina family, for many generations. I am the 23rd generation from the ancestor who first built the temple. We belong to the Yadava community, and Sri Bhagirathi Gangamma is our family deity (Kuladevata). From the beginning, all poojas and rituals were only performed by members of the Boddeboina family, and no one outside our family has ever worshipped or touched the deity. It is further submitted that there were several legal disputes in the past regarding the right of the Boddeboina family members to perform poojas in the temple. These disputes were finally settled in the

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year 1895 by the Hon'ble High Court of Madras, and since then the family's right to perform poojas has never been questioned or disturbed.

4. I submit that the temple is a private family temple, and its care and worship is continued from generations as part of our family tradition. As members of a Backward Class community we have had the privilege of maintaining and performing rituals at the temple dedicated to our Kuladevata, Sri Bhagirathi Gangamma, located at Vengalapuram.
5. I humbly submit that the temple is not included in any list published under Section 6 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.
6. I respectfully submit that in the year 2001, I was compelled to file W.P. No.21808 of 2001, challenging an order passed by the Endowments Department appointing "Person in Management" under Rc.No. G2/46605/2001-21 dated 31.08.2001. This Hon'ble Court was pleased to grant an interim suspension of the said order on 18.10.2001. I humbly submit that during the pendency of the said writ petition, the respondents never interfered with the affairs of the temple in view of the interim suspension. Subsequently, we came to know that the above writ petition was withdrawn, which is neither to our knowledge or consent and we recently came to know that the above writ petition was eventually dismissed as infructuous on 12.09.2018. It is pertinent to state and submit, despite the said fact, the respondents never interfered in our regular activities, with our family diety.
7. I humbly submit that to my utter shock and dismay the respondents are now attempting to take over possession and interfere with the temple property without issuing any proceedings or notices, and without following the procedure contemplated under law. It is respectfully submitted that in the upcoming month there is an annual Jathara festival

of Sri Bagirathi Gangamma (Vaisakha Masam) which is celebrated with great religious devotion and the same falls in the month of May and June. This very occasion is very much significant to our family members and the people in our Community. It is a customary practice which is being celebrated for over a period of 300 years. The respondents are aware of the said fact, however, without there being any rationality the respondents are intending to intermeddle with the affairs of our family temple and disrupt our age old practise at the behest of some of the local political hooligans and their henchmen. It is highly essential that that the respondents be restrained from taking any coercive action's or steps in the affairs of the temple.

8. I submit that I have no other alternative and efficacious remedy except to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India for an effective remedy. I have not filed any other suit or proceedings before any court of law or any proceedings with regard to this matter are pending before any other court of law.
9. It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or direction, declaring the action of the respondents in threatening the Petitioner's management and possession from Sri Bhagirathi Gangamma Temple, family deity of the petitioner's, situated at Vengalapuram Village, Peda Cherlopalli Mandal, Prakasam District as illegal, arbitrary, without jurisdiction, and in violation of Articles 14, 25, 26 and 300-A of the Constitution of India and the same is also contrary to the Section 6 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. (hereinafter referred to as an Act), and consequently to direct the respondents not to interfere with the peaceful possession, management, and performance of poojas and other customary rituals at the said temple by the petitioner and his family members, except by following the due process of law strictly in

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accordance with the Act and to pass such other order or orders as this Honorable Court may deem fit and proper in the circumstances of the case.

10. Pending disposal of the main writ petition, the Honorable court may be pleased to direct the respondents not to interfere with the peaceful possession, management, and performance of poojas and other customary rituals at the said temple by the petitioner and his family members, except by following the due process of law strictly in accordance with the Act and to pass such other order or orders as this Honorable Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed and signed
before me on this the 29th day of
April, 2025 at Amaravathi.

Deponent

BEFORE ME

ADVOCATE: AMARAVATI

VERIFICATION STATEMENT

I, Boddeboina Guravaiah, s/o. Gangaiah, Aged about 77 years, Caste Yadava (Golla), Occupation: Agriculture and Poojari incharge of Sri Bhagirathi Gangamma Temple, Vengalapuram, Peda Cherlapalli Mandal, Prakasam District, having come down to Guntur, being the petitioner/ person is well acquainted with facts of the case, do hereby verify and state that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge.

Hence verified at Amaravati on this the day of 29th day of April, 2025.

ADVOCATE

DEPONENT

(12)P, (6)

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH: AT
HYDERABAD.

W.P.NO.

OF 2004

Between,

Boddeboina Guravaiah, s/o. Gangalah,
Aged about 48 years, Trustee, Poojar,
Sri Bhagirathi Gangamma Temple,
R/o. Vengalapuram, Pada Cherlopalli Mandal,
Prakasam District.

PETITIONER.

AND

1. The Commissioner of Endowments,
Tilak Road, Hyderabad.
2. Deputy Commissioner of Endowments,
Guntur.
3. Assistant Commissioner of Endowments,
Ongole.
4. P. Murali Krishna (Person-in-Management),
C/o. O/o. Assistant Commissioner of Endowments,
Ongole, Prakasam District.

... RESPONDENTS.

AFFIDAVIT FILED BY THE PETITIONER.

1. Boddeboina Guravaiah, s/o. Gangalah, Aged about 48 years, Caste: Yadava (Solis), Occupation: Agriculture and Poojar incharge of, Sri Bhagirathi Gangamma Temple, Vengalapuram, Pada Cherlopalli Mandal, Prakasam District, having come down temporarily to Hyderabad do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the petitioner herein and as such I am well acquainted with the facts of the case.

2. I submit that Sri Bhagirathi Gangamma Temple is said to be in existence for more than 300 years, a small village temple situated on Khandukuru to Manigiri Road and is in continuous upkeep since generations by the members of my family (Boddeboina) and I am said to be 23rd in the generation from the date when originally one of our ancestors had built the temple, we are Yadavas

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Attested.

DEPONENT.

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by community and Baghirathi Gangamma is our "Kuladevata" and from the beginning poojas are offered only by the members of our (Boddeboina) family none other than Boddeboina family members have ever touched the diety.

3. It is submitted that there were several litigation as regards the right of Boddeboina family members to perform the poojas in the temple, finally ended in 1945 before the High Court of Madras and since then the status was never disturbed.

4. The temple is deemed as a private temple belonging to "Boddeboina" family, however since it was an endowment within the meaning of the provisions contained in the enactment namely under the provisions of A.P. Charitable Hindu Religious Institution and Endowments Act 1966 the same is continued and since times immemorial my ancestors through generations have been taking care of the small income received from the devotees which is between Rs. 3000/- to Rs. 5000/- every year and have been on the other hand advancing, spending huge amounts for the upkeep of the temple though the income is barely Rs. 4000 per year and the income and expenditure chart is submitted to the respondent No. 3 herein every year through his Inspector at Khandukur.

5. It is submitted that the 4th respondent all of a sudden armed with xerox copy of an order dt. 31-8-2001 came to our village and insisted that he shall be handed over with the belongings of the temple and the charge relating to the temple he gave a xerox copy of the proceedings in Rc. No. 62/45603/2001-22, dt. 31-8-2001 purportedly issued from the office of the Commissioner, Endowments, Department, A.P., Hyderabad signed by the

DEPONENT.

Deputy Commissioner, Guntur. It is submitted that the said proceedings speak of the powers exercised by the Commissioner U/s 29(5)(b) of the A.P.C. & H.R. I.E.E. Act (Act 39 of 1987) the respondent No. 4 is appointed as "Person in Management" the demand of the fourth respondent was not acceded to by the villagers and devotans from the neighbourhood.

6. I submit that the provisions of APESHRITE Act, 1987 (hereinafter for brevity referred to as the "Act") does not recognize the term "Person in Management" and thus he can neither be equated nor he compared to the term and status "Executive Officer" defined under the provisions of the Act.

7. Thus the question of making any arrangement in accordance with law of the kind set out in impugned proceedings dated 31-3-2004 by the respondents 1, 2 & 3 does not arise. I further submit that the said proceedings are issued purportedly in exercise of the powers conferred U/s 29 of the Act which speaks of the appointment of the "Executive Officer" to a Religious Institution or an Endowment classified and set out therein. It is further submitted that the provisions of Section 29(3)(d) clearly speak of the powers to perform the functions and discharge the duties of an Executive Officer in the absence of an Executive Officer. I submit that "Sri Baghirathi Gangamma" Temple never had any Executive Officer so far. In any event, the said provision speaks of the exercise of control, powers and performance of functions and discharge of duties by the Trustee in the absence of the appointment of Executive Officer to an Endowment. I further submit that it does not empower the first respondent to replace the

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existing trustees. I further submit that the 4th respondent is neither a "trustee" nor an "Executive Officer" which is made obvious and manifest in the impugned order and that he has to be described as "Person in Management" which term and concept is alien to the very provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987. Thus the respondents have not only invoked a provision which is not permissible to be invoked and have also transgressed their limits in creating new "Woman-~~alms~~ clature" which is impermissible under law. I further submit that for the purposes of managing an endowment there can be a Board of Trustees or a Trustee or an Executive Officer which terms are clearly discussed defined set out, regulated and applied all through the provisions of the Act and whereas the term "Person in Management" is alien and the rules made thereunder.

8. I beg to submit that a simple reading of the impugned proceedings throwing a lot of light, in the manner in which the arrangement is sought to be made in a casual manner referring to the provisions of the Act liberally by indulging in mis-quoting the provisions of law and introducing alienation concepts with a pitched arrogance of vestiture of power in the respondents 1 to 3 notwithstanding the regulatory mechanism set out under the enact-

9. I submit that the temple is a private temple and as a matter of tradition handed over from generation to generation and being belonging to a backward class community enjoying the privilege of taking care of the temple housing "Gandevata Sri Baghirathi Gangamma" at Vengalapuram we have been submitting in a ritualistically religious manner the details relating to Hundi amounts and the

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expenditure incurred in the course of the performance of Poojas and other rituals including holding of "Jatharas" in "Vaisakha Masam" which falls usually in the months of May and June every year.

10. I submit that my father sold away lot of his personal properties to maintain and upkeep of the temple and myself after assuming charge as the "Tharmakari" of the temple. I not only perform pooja every day but have also sold away huge amount of my property for the upkeep the temple and its repairs. I had not only sold away my properties but had gone around nearby villages soliciting donations to maintain the temple and its unbroken continuity through ancestors of more than 300 years. It is further submitted that when the 4th respondent arrived in the village on 30.9.2001 to take over the management and the keys from me the entire set of villagers opposed the same and thus the 4th respondent left the village and on being consulted I was told that the proceedings issued in favour of the 4th respondent by the office of the first respondent requires to be challenged since it casts a shadow on my right to perform the poojas in the temple which is our private family temple. ~~Accordingly, I have written to the 4th respondent and the 1st respondent to withdraw the proceedings and to return the keys to me. I have also written to the 1st respondent to withdraw the proceedings and to return the keys to me. I have also written to the 1st respondent to withdraw the proceedings and to return the keys to me.~~

11. I submit that poojas have to be performed by me or such other person of our Boddaloina family, clean every day and if the keys and the properties are taken away by the 4th respondent the question of performing poojas in the temple does not arise and it would be amounting to breaking the continuity of performing poojas since more 300 years.

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(11) (17)

12) Thus having been left with no other alternative ready I am constrained to approach this Honble Court by invoking the Special Extraordinary Original Jurisdiction of this Honble Court Under Article 226 of the Constitution of India on the following among other grounds to be urged at the time of hearing.

GROUND.

a) The impugned proceedings dt. 31.3.2001 issued in favour of the 4th respondent by the office of the respondent No. 1 is contrary to the facts, circumstances and the law relating to the case.

b) The impugned proceedings are issued in gross misapplication of mind as regards the very enrolment and categorisation of the Endowments in the State U/s. 30 of the Act 30 of 1987.

c) The impugned proceedings speak of an altogether alien concept of appointing "Person in Management" which cadre, post, nomenclature is not contemplated and envisaged under the provisions, spirit and scheme of the Act 30 of 1987 and hence creation of such post by a creature of statute is unsustainable without there being a lawful sanction under the legislation hence impugned order rightly deserves to be set aside.

d) The first respondent grievously erred in coming to conclusion, that such an appointment is liable to be made U/s. 29(5)(d) of the Act, on the other hand the said provision speaks of the continuance of the management of an Endowment by a duly appointed existed Board of the Trustee as the case may be, inspite of appointment of Executive Officer. In any event the proceedings does not speak of either appointment of the Executive Officer or the Board or a Trustee thus the impugned order issued by Respondent No. 1 invoking the alleged power vest U/s. 29(5) of the Act is bad and unsustainable.

e) The impugned proceedings perse on the face of it does not speak of issuance of notice to the respective

trustees and the persons who are holding control over the respective Endowment Institutions set out in a tabular form in the Impugned proceedings and hence the proceedings are violative of the principles of natural justice.

12. The Respondent No.1 ought to have realised more particularly having set-out that the Endowments enumerated therein do not have sufficient income and does not deserve appointment of an Executive Officer in which event the question of appointing by creating a non-existent "post" without there being a power under the statute to do so, make such arrangements and hence the same is bad and contrary to the scheme, spirit and the provisions set out in Act 30 of 1987.

13. The Impugned proceedings are arbitrary in nature and are violative of Article 14 of the Constitution of India.

14. The first respondent failed to see that the petitioner and such similarly situate persons who are in control of the respective Endowments enumerated in the Impugned proceedings have been vested with the right of a long standing heritable nature as regards the private family temple now cannot be subjected to disturbance under the Impugned proceedings. Thus it is violative of Article 300-A of the Constitution of India since it would be amounting to depriving the petitioner and such similar situate persons of their valuable right to the property without due recourse of the procedure prescribed under the law.

15. Such other ground or grounds as may be urged at the time of hearing.

16. Thus being aggrieved and having had no other efficacious alternative remedy the petitioner is constrained to invoke the Special Extra-ordinary Original Jurisdiction of this Hon'ble Court Under Article 226 of the Constitution of India. I declare that I have not filed any writ or suit before any other court, person seeking the same relief as with petition.

17. The Petitioner has not so far filed any other

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proceedings, appeal, writ or representation either before this Hon'ble Court or any other forum.

15. In the aforesaid circumstances it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction by calling for the records relating to and in connection with the impugned proceedings in H. No. 62/46605/2004-21, and set aside the same as being illegal violative of principles of natural justice and Article 14, 19 and 300-A of the Constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

16. It is also just and necessary that this Hon'ble Court may be pleased to suspend the operation of the impugned order dated 31.03.2004 in H. No. 62/46605/2004-21 in so far as it concerns the petitioner namely item (a) in the list therein and to pass such other order or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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Hyderabad,
10-10-2004

Sworn and signed before me
on this the 15th day of
October, 2004 at Hyderabad.

DEPONENT.

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT: HYDERABAD

WP.NO. OF 20019

Between

Boddeboina Guravajah, s/o.Gangalah
Aged about 48 years, Trustees Pujari,
Sri Bhagirathi Gangamma Temple,
R/o. Vengalapuram, Peda Cherlopalli Mandal,
Prakasam District.

...Petitioner

AND

1. The Commissioner of Endowments,
Tilak Boad, Hyderabad.
2. Deputy Commissioner of Endowments,
Guntur.
3. Assistant Commissioner of Endowments,
Ongole.
4. PMurali Krishna (Person-in-Management),
C/o. O/o. Assistant Commissioner of Endowments,
Ongole, Prakasam District.

...Respondents

AFFIDAVIT FILED BY THE PETITIONER

I, Boddeboina Guravaiah, s/o. Gangaiah, Aged about 48 years, Caster Yadava (Golla), Occupation: Agri- culture and Poojari incharge of Sri Bhagirathi Gangamma Temple, Vengalapuram, Peda Cherlapalli Mandal, Prakasam District, having come down temporarily to Hyderabad do hereby solemnly affirm and sincerely state on oath as follows,

1. I am the petitioner herein and as such I am well acquainted with the facts of the case,
2. I submit that Sri Bhagirathi Gangamma Temple is said to be in existence for more than 300 years, a small village temple situated on Khandukuru to Kanigiri Road and is in continuous upkeep since generations by the members of my family (Boddeboina) and I am said to be 23rd, in the

generation from the date when originally one of our ancestors had, built the temple, we are Yadavas by community and Baghira tha Gangamma is our 'Kuladevata' and from, the beginning poojas, are offered only by the member of our (Boddoboina) family none other than Baddeboina family members have ever touched the deity.

3. It is submitted that there were several litigations as regards the right of Boddeboina family members to perform the poojas in the temple, finally ended in 1945 before the High Court of Madras and since then the status was never disturbed.
4. The temple is deemed as a private temple belonging to "Boddeboina family, however since it was an endowment within the meaning of the provisions contained in the enactment namely under the provisions of A.P Charitable Hindu Religious institution and Endowments Act 1966 the same is continued and since times immortal my ancestors through generations have been taking care of the small income, received from the devotees which is between Rs.3000/- to Rs 5000/ every year and have been on the other hand advancing, spending huge amounts for the up-keep of the temple though the income is barely Rs. 4000/ per year and the income and expenditure chart is submitted to the respondent No.3 herein every year through his Inspector at Khandukur.
5. It is submitted that the 4th respondent all of a sudden armed with xerox copy of an order dt 31-8-2001 came, to our village and insisted that he shall be handed over with the belongings of the temple and the charge relating to the temple he gave a xerox copy of the proceedings in Rc.No G2/46605/2001-21, dt. 31-8-2001 purportedly issued from the office of the Commissioner, Endowments, Department, AP, Hyderabad signed by the Deputy Commissioner, Guntur It is submitted that the said proceedings speak of the powers exercised by the Commissioner U/s 29(5)(b) of the A.P.C. & H.R.I,&E Act (Act 30 of 1987) the respondent No.4 is appointed as 'Person In Management' the demand of the fourth

respondent was not acceded to by the villagers and devotees from the neighbourhood.

6. I submit that the provisions of APE&HRI&E Act, 1987 (hereinafter for brevity referred to as the "Act") does not recognise the term "Person in Management" and thus he can neither be equated nor be compared to the term and status. "Executive Officer" defined under the provisions of the Act.
7. Thus, the question of making any arrangement in accordance with law of the kind set out in impugned proceedings dated 31-8-2001 by the respondents 1,2&3 does not arise. I further submit that the said proceedings are issued purportedly in exercise of the powers conferred U/s. 29 of the Act which speaks of the appointment of the "Executive Officer" to a Religious Institution or an Endowment classified and set out therein. It is further submitted that the provisions of Section 29(5)(d) clearly speak of the powers to perform the functions and discharge the duties of an Executive Officer in the absence of an Executive Officer. I submit that "Sri Baghirathi Gangamma Temple never had any Executive Officer so far, In any event, the said provision speaks of the exercise of control, powers and performance of functions and discharge of duties by the Trustee in the absence of the appointment of Executive Officer to an Endowment. I further submit that it does not empower the first respondent to replace the existing trustee, I further submit that the 4th respondent is neither a "Trustee" nor an "Executive Officer" which is made obvious and manifest in the impugned order and that he has to be described as person in Management which term and concept is alien to the very provisions of the AP Charitable and Hindu Religious Institutions and Endowments Act, 1987. Thus, the respondents have not only invoked a provision which is not permissible to be invoked and have also transgressed their limits in creating new Nomenclature which is impermissible under law. I further submit that for the purposes of

managing an endowment there can be a Board of Trustees or a Trustee or an Executive Officer which terms are clearly discussed defined set out regulated and applied all through the provisions of the Act and whereas the term 'Person in Management' is alien and the rules made thereunder.

8. A beg to submit that a simple reading of the impugned proceedings throwing a lot of light, in the manner in which the arrangement is sought to be made in a casual manner referring to the provisions of the Act liber by indulging in mis-quoting the provisions of law and introducing alienation concepts with a pitched arrogance of vestiture of power in the respondents 1 to 3 notwithstanding the regulatory mechanism set out under the enact.
9. I submit that the temple is a private temple and as a matter of tradition handed over from generation to generation and being belonging to a backward class community enjoying the privilege of taking care of the temple housing 'Kuladevata Sri Baghirathi Gangamm' at Vengalapu we have been submitting in a ritualistically religious manner the details relating to Hundi amounts and the expenditure incurred in the course of the performance of Poojas and other richiual including holding of 'Jathara' in Vaisakha Masam which falls usually in the months of May and June every year.
10. I submit that my father sold away lot of his personal properties to maintain and upkeep of the temple and myself after assuming charge as the Dharmakarta of the temple I not only perform pooja every day but have also sold away huge amount of my property for the upkeep the temple and its repairs. I had not only sold away my properties but had gone around nearby villages soliciting donations to maintain the temple and its unbroken continuity through ancestors of more than 300 years. It is further submitted that when the 4th respondent arrived in the village on 30.09.2001 to take over the management and the keys from me the

entire set of villagers opposed the same and thus the 4th respondent left the village and on being consultant I was told that the proceedings issued in favour of the 4th respondent by the office of the first respondent requires to be challenged since it casts a shadow on my right to perform the poojas in the temple which is our private family temple.

11. I submit that poojas have to be performed by me or such other person of our Boddeboina family clean every day and if the keys and the properties are taken away by the 4th respondent the question of performing poojas in the temple does not arise and it would be amounting, to breaking the continuity of performing poojas since more than 300 years.
12. Thus having been left with no other alternative remedy I am constrained to approach this Hon'ble Court by Invoking the Special Extraordinary Original Jurisdiction of this Hon'ble Court Under Article 226 of the Constitution of India on the following among other ground to be urged at the time of hearing.

GROUND

- a. The impugned proceedings dt.31.08.2001. issued in favour of the 4th.respondent by the office of the respondent No 1 is contrary to the facts, circumstances and the law relating to the case.
- b. The impugned proceedings are issued in gross non application of mind as regards the very enrolment and categorisation of the Endowments in the State U/s 6 of the Act 30 of 1987.
- c. The impugned proceedings speak of an altogether alien concept of appointing "Person in Management" which cadre, post, nomenclature is not contemplated and envision under the provisions, spirit and scheme

of the Act 30 of and hence creation of such post by a creature of statute is unsustainable without there being a lawful sanction under the Legislation hence impugned order richly deserve to be set aside.

- d. The first respondent grievously erred in coming to conclusion, that such an appointment is liable to be made U/s.29(5)(d) of the Act, on the other hand the said provision speaks of the continuance of the management of an Endowment by a duly appointed existed Board of the Trustee as the case may be, inspite of appointment of Executive Officer. In any event the proceedings does not speak of either appointment of the Executive Officer or the Board or a Trustee thus the impugned order issued by Respondent No.1 invoking the alleged power vest U/s 29(5) of the Act is bad and unsustainable.
- e. The impugned proceedings perse on the face of it does not speak of issuance of notice to the respective trustees and the persons who are holding control over the respective Endowment Institutions set out in a tabular form In the impugned proceedings and hence the proceedings are violative of the principles of natural justice.
- f. The respondent No.1 ought to have realised more particularly having set-out that the Endowments enumerated therein do not have sufficient income and does not deserve appointment of an Executive officer in which event the question of appointing by creating a non existent "Post" without there being a power under the statute to make such arrangements and hence the same is bad and contrary to the scheme, spirit and the provisions set out in Act 30 of 1987.
- g. The Impugned proceedings are arbitrary in nature and are violative of Article 14 of the Constitution of India.
- h. The first respondent failed to see that the petitioner and such similarly situate persons who are in control of the respective Endowments Parsons enumerated in the impugned proceedings have been vested

with the right of a long standing heritable nature as regards the private family temple now cannot be subjected to disturbance under the impugned proceedings. Thus, it is violative of Article 300-A of the Constitution of India since it would be amounting to depriving the petitioner and such similar situate persons of their valuable right to the property without due recourse of the procedure prescribed under the law.

- i. Such other ground or grounds as may be urged at the time of hearing.
13. Thus, being aggrieved and having had no efficacious alternative remedy the petitioner is constrained to invoke the Special Extra-ordinary Original Jurisdiction of this Hon'ble Court Under Article 226 of the Constitution of India, I declare that I have not filed any writ or suit Before any other court, forum seeking the same relief as writ petition.
14. The Petitioner has not so far filed any other proceedings, appeal, writ or representation either before this Hon'ble Court or any other Forum
15. In the foresaid circumstances it is prayed that this Court may be pleased to issue an appropriate, writ order writ of direction on the writ of mandamus relating to and in connection with the impugned proceedings in Rc.No:G2/46605/2001-21, and set aside the same as being illegal violative of principles of natural justice and Article 14, 19 and 300 A of the Constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the cases
16. It is also just and necessary that this Hon'ble Court may be pleased to suspend the operation of the impugned order dated 31-8-2001 In Rc.No. G2/46605/2001-21 in so far as it concerns the petitioner namely item (J) in the list therein and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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P2

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH:: AT HYDERABAD

THURSDAY THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND ONE

: PRESENT:

THE HON'BLE Mr. JUSTICE: L VENKATANARAYANA

W.P.M.P.NO. 27467 OF 2001

BETWEEN

Boddeboina Guravaiah

Petitioner/Petitioner in
WP.No.21808 /2001 on the file
of the High Court

AND

1. The Commissioner of Endowments, Tilak Road, Hyd.
2. The Deputy Commissioner of Endowments, Guntur.
3. The Asst. Commissioner of Endowments, Ongole.
4. P.Muralikrishna

.... Respondents/Respondents in do

COUNSEL FOR PETITIONER: Mr.T.Jagdish
COUNSEL FOR RESPONDENTS 1 TO 3: G.P. for Endowments
COUNSEL FOR RESPONDENT NO.4: Mr.M.Chandrasekhar

Petition under Section 151 CPC praying the High Court to suspend the operation of the impugned order dt. 31-8-2001 in Rc.No.G2/46605/2001-21 in so far as it concerns the petitioner namely item (h) in the list therein, pending the W.P.No.21808/2001 on the file of the High Court.

The Court while directing issue of notice to the respondents herein to show cause 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:

"Interim suspension and notice."

Sd/- P.V.RADHAKRISHNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The Commissioner of Endowments, Tilak Road, Hyd.
2. The Deputy Commissioner of Endowments, Guntur.
3. The Asst. Commissioner of Endowments, Ongole.
4. P.Muralikrishna, (Person in Management),
C/o. O/o. Asst. Commissioner of Endowments, Ongole, Prakasam Dist. (By RPAD).
5. One spare copy.

6. Two sets of copy for Endowments, High Court & APHJ (100)
one cc to T. Jagadish Advocate (OPJ)

HIGH COURT

IVNJ

DATED : 18-10-2001

ORDER

W.P.M.P. NO. 27467 OF 2001

IN

W.P. No. 21808 OF 2001

INTERIM SUSPENSION AND NOTICE.

(29)
P3

OFFICE OF THE ASSISTANT COMMISSIONER
ENDOWMENTS DEPARTMENT: ONGOLE.

Rc.No:A4/5750/2012

Dated:11-10-2012.

To
The Commissioner,
Endowments Department,
A.P., HYDERABAD.

Respected Sir,

Sub:- Endowments Department – W.P.No:21808/2001 filed by Sri B.Guravaiah – In the matter of appointment of Person in Management of Sri Bhagiradhi Gangamma Temple – Vengalapuram H/o Peda Alavalapadu- Pedacherlopalli (M) – Prakasam District – Regarding – Parawar Remarks – Submitted.

Ref:- Writ Affidavit in W.P.No:21808/2001 from the Hon'ble High Court of A.P., Hyderabad.

&&&

I submit that Sri Boddeboina Guravaiah, S/o Gangalah of Vengalapuram Village has filed W.F.No:21808/2001 on the file of the Hon'ble High Court of A.P., Hyderabad impleading the Commissioner, Endowments Department, A.P., Hyderabad, the Deputy Commissioner, Endowments Department, Guntur, the Assistant Commissioner, Endowments Department, Ongole and Sri P.Murali Krishna, Person in Management as respondents 1 to 4 respectively.

I submit hereunder my Parawar Remarks and request to prepare Counter to be filed on the file of the Hon'ble High Court of A.P., Hyderabad.

PARA-1:- No Comments.

PARA-2:- It is respectfully submitted that it may be a fact that Sri Bhagiradhi Gangamma Temple might be the Kula Devatha of Boddeboina family. The Temple is having Ac.22.29 Cents of Landed Property and it is being enjoyed by the Petitioner and his family members without accounting for the Income of the Temple. It may be true that the Archakatvam Service is being rendered by the family members of the Petitioner and they are enjoying the entire landed property.

(Cont: 2)

:: 2 ::

PARA-3:- It is humbly submitted that the Department is not aware of litigation went on in between Boddeboinavari family members with regard to the performance of the Poojas in the Temple.

PARA-4:- In reply to Para No:4, I humbly submit that Averments made by the Petitioner under this Para are all concocted for the purpose of filing this writ petition. It is humbly submitted that the Petitioner never submitted the receipt and charges statements to the Department through the Inspector, Endowments Department, Kandukuru as stated in the Writ Petition.

PARA 5&6:- In reply to Para No:5&6 of this Writ Petition, I humbly submit that as a general policy in the 1st respondent herein appointed Departmental persons with the designation of Person in Managements which was latter re-designated as Manager to the Temples having much Landed Properties and not maintaining the property. In the said process the 1st respondent herein in his proceedings in Rc.No:G2/46605/2001-21 Dated:31-08-2001 appointed the 4th respondent to exercises the powers and functions as Executive Officer. Since the Commissioner, Endowments Department, A.P., Hyderabad, who is the 1st respondent herein is the competent authority to appoint a person to the Temple to exercise the powers and functions of the Executive Officer under section 29 of the Act.30/87 for better and proper management of the Temple.

PARA-7:- In reply to Para No:7, I humbly submit that the contents of the Petition are all not tenable and further I submit that the Commissioner, Endowments Department, A.P., Hyderabad who is the Corporate Sole has been authorized to appoint Person in Managements to the needy Temples where there is no Executive Officer vide the Amended Act.14 of 2001. Hence I humbly submit that the contents of the Petition are all not correct.

(Cont: 3)

:: 3 ::

PARA-8:- In reply to this Para I respectfully submitted that that the averments made by the Petitioner are all misconceived and only concocted for filing of this Writ Petition.

PARA-9:- In reply to Para No:9 of this Writ Petition It is humbly submitted that the contention of the Writ Petition that they are conducting the rituals and Poojas in the Temple are all false. The Petitioner and his family members are enjoying simply the Income derived on the huge extent of Ac.22.29 Cents without attending the maintenance of the Temple.

PARA-10:- In reply to this Para, I humbly submit that all the averments made are created for the purpose of filing this Writ Petition. The contention of the Petitioner that his father as well as he sold away their person properties for the maintenance of the Temple is totally untenable.

PARA-11:- It is humbly submitted that the contentions of the Petitioner under this Para are not correct. Simply because of appointment of Person in Management in not tantamount to discontinue of Service in the Temple. The duties of Person in Management are only to safe guard the properties, to develop the temple and to argument the proper Income on all sources besides rendering Archakatvam Service in the Temple regularly.

PARA-12, 13, 14 and 15:- In reply to this Para It is humbly submitted that the contents of the Petitioner is not correct. I submit that there is a provision under the Act to file Revision Petition before the Government against the orders of the 1st respondent instead of invoking the special extraordinary original jurisdiction of the Hon'ble High Court.

(Cont: 4)

:: 4 ::

GROUNDS.(a), (b), (c), (d) and (e):-

The contentions of the Petitioner under these grounds are all false and the 1st respondent is properly authorized the 4th respondent to exercise the powers of the Executive Officer to the Temple for the better management in exercise of the powers vested under him through Amended Act.14 of 2001. Hence it is humbly submitted that the orders of the 1st respondent need not be question and they are in accordance with Law.

(f) & (g):- It is humbly submitted that the 1st respondent issued proceedings authorizing the 4th respondent to exercise the powers and functions of the Executive Officer since the there is no Executive Officer to the Temple and the Income derived on huge Landed Properties is not properly utilizing to the Temple. Hence the orders of the 1st respondent are correct in the interest of the Temple.

(h):- It is humbly submitted that the Petitioner having fully known about the implication of the Endowment Act he never choused to obtain on order from the competent authority saying that it is a private temple as stated by the Petitioner.

(i):- No Remarks.

In view of the above submissions I pray the Hon'ble Commissioner, Endowments Department, A.P., Hyderabad to kindly take necessary further action in the matter.

Yours faithfully

K. B. Srinivasulu 10.12
ASSISTANT COMMISISONER

- 1) Copy submitted to the Deputy Commissioner, Endowments Department, Guntur for favour of kind information.
2) Extra for file.

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Pcy

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21808 of 2001

ORDER:

Sri V.V.Narasimha, learned counsel representing Sri V.Venugopala Rao, learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition, with a liberty to file an appeal before the Endowments Tribunal.

Since the petitioner was pursuing his remedies in a wrong forum, the same may not be taken for counting the delay against the petitioner for the purpose of limitation.

Permission is granted.

The writ petitions dismissed as withdrawn, with a liberty to the petitioner to approach the Endowments Tribunal.

Miscellaneous petitions pending if any shall stand closed. No costs.

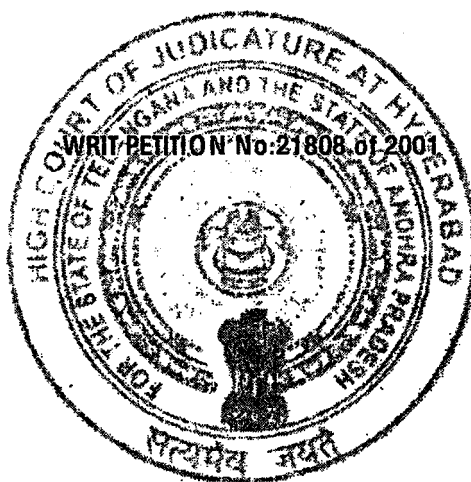


ABHINAND KUMAR SHAVILI, J

Date: 12/09/2018
Sik

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THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Dated: 12/09/2018

slk

**MEMORANDUM OF WRIT PETITION MISC. PETITION
(UNDER SEC. 151 OF THE C.P.C.)
HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI**

I.A. NO. _____ OF 2025

IN

W.P. NO. OF 2025

Between

**Boddeboina Guravaiah, s/o.Gangalah
Aged about 77 years, Trustees Pujari,
Sri Bhagirathi Gangamma Temple,
R/o. Vengalapuram, Peda Cherlopalli Mandal,
Prakasam District.**

...Petitioner

AND.

1. The State of Andhra Pradesh
Rep. by its Principal Secretary Endowments Department
AP Secretariat, Velaapudi, Amaravati,
Guntur District, 522503.
2. The Commissioner
Endowments Department, AP Vijaywada.
3. The Deputy Commissioner of Endowments,
Guntur.
4. The Assistant Commissioner,
Endowments Department Ongole
Prakasam District.

...Respondents

For the reasons stated in the affidavit filed in support of the above Writ Petition it is further prayed that this Honorable court may be pleased to direct the respondents not to interfere with the peaceful possession, management, and performance of poojas and other customary rituals at the said temple by the petitioner and his family members, except by

following the due process of law strictly in accordance with the Act and to pass such other order or orders as this Honorable Court may deem fit and proper in the circumstances of the case.

AMARAVATHI

Date: 29.04.2025

Counsel for the Petitioner

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PRAKASAM: DISTRICT
HIGH COURT OF ANDHRA PRADESH

I.A. No. OF 2025
IN
W.P. NO. OF 2025

End

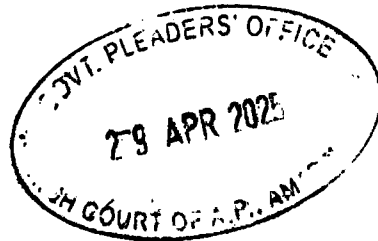
DIRECTION PETITION

Tuesday, Apr 29, 2025 15:10:06 PM

APOLCMS

REV070233910

Acknowledgement No.:



Filed by:

G V S KISHORE KUMAR (10202)

G.SAI LOCHAN (26275)

P. SARASWATHI (25020)

B. SRINIVASARAO (25804)

ADVOCATES,

COUNSEL FOR THE PETITIONER

939253266