

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P. No. of 2025

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Place : Amaravathi
Date : 25-04-2025

D.V.1
Counsel for the Petitioner

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MEMORANDUM OF WRIT PETITION
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

W.P. No. of 2025

Between:

SC Subhan Singh, S/o D. Subbu Singh (Late),
Age 68 Years, Occ: Retired Employee,
R/o. D.No. 7/389, Gopuram Street,
Ranganayakulupeta, Nellore, SPSR Nellore District

...Petitioner

And

1. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue (Endowments) Department,
Secretariat Buildings, Velagapudi,
Guntur District, A.P.
2. The Commissioner,
Endowments Department,
Gollapudi, Vijayawada,
Krishna District.
3. The Deputy Commissioner,
Endowments Department, Guntur
4. The District Endowments Officer,
Endowments Department, Nellore.

...Respondents

address for service of notices, process etc., on the above-named
petitioner is that of his Counsel **Sri D.V.Sasidhar (10944), Advocate,**
H.No.71-4-6, Patamata, Vijayawada, Krishna District.

For the reasons stated above, it is therefore prayed
that the Hon'ble Court may be pleased to issue a writ order or
direction more particularly one in the nature of writ of MANDAMUS
declaring the action of the 2nd respondent in issuing proceedings in
Rc.No.D2/COE-14021(51)/15/2021 dated 10.07.2024 (served on

(4)

03.04.2025) in rejecting the claim of the petitioner for being declare as Founder Family Member of Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore City as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice and violative of Articles 14, 21, 25 & 26 of Constitution of India and consequently set aside the same and direct the respondents to declare the petitioner as one of the Founder Family Member of Sri Uma Maheshwara Swamy Temple, CAM High School Road, Nellore City and pass such other order or orders, in the interest of justice.

Amaravati

Date: 25.04.2025

D.v.s

COUNSEL FOR THE PETITIONER

DISTRICT :: SPSR Nellore

IN THE HIGH COURT OF
ANDHRA PRADESH AT
AMARAVATI

W.P. No. of 2025

WRIT PETITION

cf - 1001 -
B - 1201 -
v - 2531 -
cc - 112

Filed on:

Filed by:

SRI D.V.SASIDHAR(10944)
MVS NIKHIL KASHYAP (23588)
COUNSEL FOR PETITIONERS

R1. TO R4. Gp for endorsement

2

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P. No. of 2025

Between:

SC Subhan Singh

... petitioner

AND

The State of Andhra Pradesh & others

... Respondents

CHRONOLOGICAL EVENTS

ANNEXURE – I

Sl. No.	Date	Description of Document	Page No	Para No
01.	10.07.2024 & 03.04.2025	It is humbly submitted that the present writ petition is filed challenging the action of the 2 nd respondent in issuing proceedings in Rc.No.D2/COE-14021(51)/15/2021 dated 10.07.2024 (served on 03.04.2025) in rejecting the claim of the petitioner for being declare as Founder Family Member of Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore City as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice and violative of Articles 14, 21, 25 & 26 of Constitution of India.	8/9	2
02.	Nil	I submit that, said D. Subbu Singh who managed the affairs of the temple had four sons namely I S. Sanjeevi Singh II S. Garuda Singh III S.C. Subhan Singh (Petitioner) IV S.C. Balaji Singh	9	4
03.	24.11.2020	I submit that, while the matter stood thus, S. Garuda Singh died on 24-11-	9/10	6

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	30.11.2021	<p>2020. Thereafter my brother S.C Balaji Singh has filed O.A. No.135/2021 before AP Endowments Tribunal, Peddakakani to declare him as one of the founder family members. Thereafter Balaji Singh filed WP No. 24561/2021 to direct the authorities to declare him as FFM & other prayers and the said W.P was disposed of on 30.11.2021 and the operative portion of the order is extracted hereunder for kind perusal of this Hon'ble Court:</p> <p><i>" 9. In these circumstances, the writ petition is disposed of without disturbing the status of the 5th respondent as a member of the founder family and with a further direction to the 2nd respondent to consider and pass orders on the representation of the petitioner dated 24.11.2021 for being recognized as a member of the founder family of Sri Uma Maheswara Swamy Temple, within a period of two months from the date of receipt of this order. This application shall be considered without taking into consideration the pending is allowed before the Endowments Tribunal. There shall be no order as to costs."</i></p>	9/10	5
04.	NIL	<p>I submit that, thereafter I have submitted representation to the 2nd respondent to recognize me as Founder family member on par with other recognized members of our family to the subject institution as I am a descendant in the agnatic line of Roy Singh (Late) who is the founder of the temple.</p>	10	8
05.	13.11.2021	<p>I submit that, the impugned proceedings are bad in law as one of the family member i.e. my youngest</p>	11	10

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	11.04.2023	brother Balaji Singh is declared as Founder Family Member, I need not approach the Tribunal and the same issue was decided in WP No. 24561/2021 dated 13.11.2021 filed by brother and CC No. 513/2022 while issuing the proceedings dated 11.04.2023 by the 2 nd respondent.	11	10
06.	Nil	I submit that, the rejection order is made without application of mind and not properly understanding and applying the provisions of Act 30/87 i.e. Sec. 17 of Act 30/87.	12	12
07.	Nil	I submit that, unless the impugned order is set aside and a direction is given to declare me as Founder Family Member of Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore City I will be put to irreparable loss and injury which cannot be compensated by any means.	12	14

ANNEXURE – II

Under Article 226 of Constitution of India

Amaravati,
Date: 25.04.2025

D.V.J.
COUNSEL FOR THE PETITIONER

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P. No.

of 2025

Between:

SC Subhan Singh, S/o D. Subbu Singh (Late),
Age 68 Years, Occ: Retired Employee,
R/o. D.No. 7/389, Gopuram Street,
Ranganayakulupeta, Nellore, SPSR Nellore District

...Petitioner

And

1. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue (Endowments) Department,
Secretariat Buildings, Velagapudi,
Guntur District, A.P.
2. The Commissioner,
Endowments Department,
Gollapudi, Vijayawada,
Krishna District.
3. The Deputy Commissioner,
Endowments Department, Guntur
4. The District Endowments Officer,
Endowments Department, Nellore.

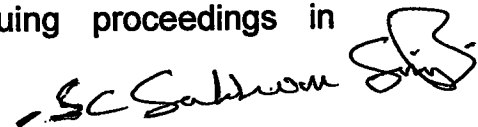
...Respondents

AFFIDAVIT FILED BY THE PETITIONER

I, SC Subhan Singh, S/o D. Subbu Singh (Late), Aged about 68 Years, Occ: Retired Employee, R/o D. No. 7/389, Gopuram Street, Ranganayakulupeta, Nellore, SPSR Nellore District, having come down temporarily to Amaravathi, do hereby solemnly affirm and 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. It is humbly submitted that the present writ petition is filed challenging the action of the 2nd respondent in issuing proceedings in

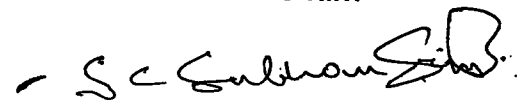




(9)

Rc.No.D2/COE-14021(51)/15/2021 dated 10.07.2024 (served on 03.04.2025) in rejecting the claim of the petitioner for being declare as Founder Family Member of Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore City as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice and violative of Articles 14, 21, 25 & 26 of Constitution of India.

3. I submit that, I hail from the family of founders of Sri Uma Maheswara Swamy Temple, CAM High School Road, Nellore District. Initially the said temple was constructed by my great grandfather Roy Singh who was the founder of the temple. After his death his son Dharma Singh has managed the temple, thereafter his two sons D. Chenchu Singh and D. Subbu Singh were in the management of the temple.
4. I submit that, said D. Subbu Singh who managed the affairs of the temple had four sons namely
 - I. S. Sanjeevi Singh
 - II. S. Garuda Singh
 - III. S.C. Subhan Singh (Petitioner)
 - IV. S.C. Balaji Singh
5. I submit that, after the death of D. Subbu Singh, Sri. S.Garuda Singh has filed O.A. No.12/2007 and we have given no objection for him to manage the affairs of the temple and to declare him as founder family member. Hence the O.A. was allowed on 26-07-2008 by the 3rd respondent declaring him as the founder family member.
6. I submit that, while the matter stood thus, S. Garuda Singh died on 24-11-2020. Thereafter my brother S.C Balaji Singh has filed O.A. No.135/2021 before AP Endowments Tribunal, Peddakakani to declare him as one of the founder family members. Thereafter Balaji Singh filed WP No. 24561/2021 to direct the authorities to declare him



“ 9. In these circumstances, the writ petition is disposed of without disturbing the status of the 5th respondent as a member of the founder family and with a further direction to the 2nd respondent to consider and pass orders on the representation of the petitioner dated 24.11.2021 for being recognized as a member of the founder family of Sri Uma Maheswara Swamy Temple, within a period of two months from the date of receipt of this order. This application shall be considered without taking into consideration the pending is allowed before the Endowments Tribunal. There shall be no order as to costs.”

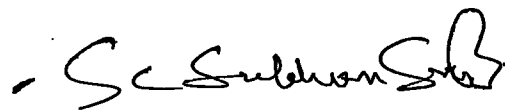
7. I submit that, since the orders of this Hon'ble Court in W.P No. 24561 of 2021 dated 30.11.2021 are not complied my brother has C.C No. 513 of 2022. Thereafter the 2nd respondent vide proceedings in Rc. No. D3/COE-14021(51)/15/2021 dated 11.04.2023 has declared my brother i.e., S.C Balaji Singh as the founder family member to Sri Uma Maheswara Swamy Temple, CAM High School Road, Nellore and recording the same above said Contempt case was closed by this Hon'ble Court on 25.04.2023.
8. I submit that, thereafter I have submitted representation to the 2nd respondent to recognize me as Founder family member on par with other recognized members of our family to the subject institution as I am a descendant in the agnatic line of Roy Singh (Late) who is the founder of the temple.
9. I submit that, in pursuance of our representation the 4th respondent has submitted a detailed report to the 2nd respondent vide proceedings in Rc. No. A1/516752/2023 on 29.01.2024 wherein it was categorically stated I hail from the founder family member of the

family member of the

SC Subhon Sin

subject temple and as such I am entitled to be recognized as Founder Family Member for the subject temple. Thereafter I have filed WP No. 8055/2024 seeking direction to declare me as Founder Family Member basing on the report dated 29.01.2024, at the time of admission the 2nd respondent through his counsel has served the impugned proceedings dated 10.07.2024 rejecting my claim to be declared as Founder Family Member, directing me to approach the Hon'ble Endowments Tribunal. As the impugned proceedings were not served till 03.04.2025 I could not challenge the same as I did not have knowledge about the proceedings now having come to know about the impugned proceedings the present WP is filed challenging the same.

10. I submit that, the impugned proceedings are bad in law as one of the family member i.e. my youngest brother Balaji Singh is declared as Founder Family Member, I need not approach the Tribunal and the same issue was decided in WP No. 24561/2021 dated 13.11.2021 filed by brother and CC No. 513/2022 while issuing the proceedings dated 11.04.2023 by the 2nd respondent.
11. I submit that, it is not out of place to submit that, even my elder brother Garuda Singh was also declared as Founder Family Member in OA No. 12/2007 dated 26.07.2008. as such there is no impediment to declare me as Founder Family Member and there is no dispute whether I hail from the Founder Family Member or not, as such as per Sec. 17 of Act 30/87, as such I have to be declared as Founder Family Member instead of relegating me to the Endowments Tribunal U/Sec. 87 (1) (h) of Act 30/87 as the competent authority is the 2nd respondent.





12. I submit that, the rejection order is made without application of mind and not properly understanding and applying the provisions of Act 30/87 i.e. Sec. 17 of Act 30/87.
13. I submit that, in view of the Judgments of this Hon'ble Court in CRP 4596/2017 dated 02.05.2018 and C.M.A No. 590/2012 dated 23.07.2014, it is settled proposition of law, that where there is no dispute about the fact that an applicant is a member of the founder family, the said recognition can be given by the competent authority and the competent authority is authority who is competent to appoint Board of Trustees for such an Institution. The applicant has to approach Tribunal U/Sec. 87 of Act 30/87 only when there is dispute as to whether he is the member of founder family or not, in the instant case there is no dispute that I am not the member of Founder Family.
14. I submit that, unless the impugned order is set aside and a direction is given to declare me as Founder Family Member of Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore City I will be put to irreparable loss and injury which cannot be compensated by any means.
15. It is submitted that the petitioner has no other effective, alternative remedy than to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.
16. It is submitted that the petitioner has not filed any other Writ Petition or initiated any other proceedings before any Court or Authority for the relief sought for in this Writ Petition.

For the reasons stated above, it is therefore prayed that the Hon'ble Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the 2nd respondent in issuing proceedings in Rc.No.D2/COE-

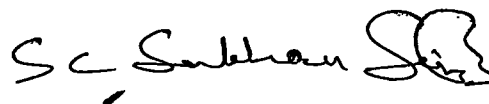
—

— SC Subhan

14021(51)/15/2021 dated 10.07.2024 (served on 03.04.2025) in rejecting the claim of the petitioner for being declare as Founder Family Member of Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore City as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice and violative of Articles 14, 21, 25 & 26 of Constitution of India and consequently set aside the same and direct the respondents to declare the petitioner as one of the Founder Family Member of Sri Uma Maheshwara Swamy Temple, CAM High School Road, Nellore City and pass such other order or orders, in the interest of justice.

Pending disposal of the writ petition it is therefore prayed that this Hon'ble Court may be pleased to the direct the 2nd respondent to consider the claim of the petitioner by virtue of the 4th respondent report dated 29.01.2024 without reference to impugned proceedings in Rc.No.D2/COE-14021(51)/15/2021 dated 10.07.2024 (served on 03.04.2025) and pass such other order or orders, in the interest of justice.

Solemnly affirmed and signed before me on this the 2nd day of April, 2025 at Vijayawada.



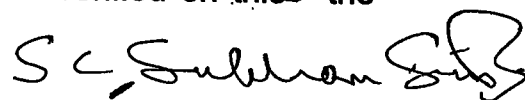
DEPONENT

Advocate : Vijayawada

VERIFICATION

I, Subbu Singh Chenchu Subhan Singh, S/o D. Subbu Singh (Late), Aged about 68 Years, Occ: Retired Employee, R/o D.No. 7/389, Gopuram Street, Ranganayakulupeta, Nellore, SPSR Nellore District, having temporarily come down to Vijayawada, do hereby declare that the contents in the above paragraphs are true and correct to the best of my knowledge and belief, hence verified on this 2nd day of April, 2025 at Vijayawada.

D.v.t
Advocate



Deponent

PI

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Office of the Commissioner,
Endowments Department,
A.P., Vijayawada.

Rc.No.D2/COE-14021(51)/15/2021. Dt. 10/07/2024.

Sub : Endowments Department Sri Uma Maheswara Swamy Temple, CAM High School Road, Nellore City – Request of Sri S.C.Krishna Singh, S/o. Late Sanjeevi Singh and Sri S.C.Subhan Singh, S/o. Late Subbu Singh to declare them as founder family members - Reg.

Ref : 1) Representation dated 13.06.2023 from Sri S.C.Krishna Singh, S/o. Late Sanjeevi Singh, R/o. Nellore City.

2) Representation dated 13.06.2023 from Sri S.C.Subhan Singh, S/o. Late Subbu Singh, R/o. Nellore City.

3). This office Rc.No.D3/COE-14023(51)/24/2023, Dt.22.06.2023

4) This office Rc.No.D3/COE-14023(51)/25/2023, Dt.24.06.2023

5) Rc.No.E-A1/510440/2023, Dt.14.09.2023 from the District Endowments Officer, S.P.S.R.Nellore District

6) This office Rc.No.D2/COE-14021(51)/15/2021, Dt.16.10.2023.

7) Rc.No.A1/516752/2023, Dt.29.01.2024 from the District Endowments Officer, S.P.S.R.Nellore District.

* * * * *

In the reference 1st cited, Sri S.C.Krishna Singh, S/o. Late Sanjeevi Singh, R/o. Nellore City has put in a representation stating that he belongs Roy Singh family and two members from Roy Singh family viz., Sri Chenchu Dharma Singh, S/o. Garuda Singh and Sri S.C. Balaji Singh, S/o. D.Subbu Singh were declared as founder family members to Sri Uma Maheswara Swamy Temple, CAM High School Road, Nellore City by the Commissioner of Endowments and requested to declare him as founder family member.

In the reference 2nd cited, Sri S.C.Subhan Singh, S/o. Late Subbu Singh, R/o. Nellore City has also put in a representation stating that he belongs Roy Singh family and two members from Roy Singh family viz., Sri Chenchu Dharma Singh, S/o.

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Garuda Singh and Sri S.C. Balaji Singh, S/o. D.Subbu Singh were declared as founder family members to Sri Uma Maheswara Swamy Temple, CAM High School Road, Nellore City by the Commissioner of Endowments and requested to declare him as founder family member.

The District Endowments Officer, S.P.S.R. Nellore District to whom the above representations have been referred to, has submitted reports in the references 5th & 7th cited, which reveals that there are controversies in Roy Singh family and involved multifarious issues.

As such, Sri S.C.Krishna Singh, S/o. Late Sanjeevi Singh and Sri S.C.Subhan Singh, S/o. Late Subbu Singh are advised to approach the Hon'ble A.P. Endowments Tribunal at Pedakakani, Guntur District for founder family membership as per Section 87(1)(h) of the A.P.C & H.R.I and Endowments Act, 1987.

[By order of the Commissioner]

Chandra Kumar T
Additional Commissioner

To:

1. Sri S.C.Krishna Singh, S/o. Late Sanjeevi Singh, R/o. Nellore City. [through Sl.No.3].
2. Sri S.C.Subhan Singh, S/o. Late Subbu Singh, R/o. Nellore City. [through Sl.No.3].
3. Copy to the District Endowments Officer, S.P.S.R. Nellore District.

P2

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Office of the District Endowments Officer,
Endowments Department,
S.P.S.R.Nellore District

Rc.No.A1/516752/2023, Dated: 29-01-2024.

To
The Commissioner,
Endowments Department,
A.P., Gollapudi,
Vijayawada .

Sir,

Sub:- Endowments Department – Sri Uma Maheswara Swamy Temple,
CAM.High School Road, Nellore City – Declaration of Sri
S.C.Subhan Singh and Sri S.C.Krishna Singh as members of
founders family – Further report called for- Regarding – Report
submitted.

- Ref:- 1. Rc. No. D2/COE-14023(51)/24/2023 De. 22.06.2023 from
Commissioner, Endowments Department, A.P., Gollapudi,
Vijayawada.
2. Rc. No. D2/COE-14023(51)/25/2023 De. 24.06.2023 from
Commissioner, Endowments Department, A.P., Gollapudi,
Vijayawada.
3. This office Rc. No. A1/510440/2023 Dated: 14.09.2023.
4. Rc. No. D2/COE-14021(51)/15/2021 De. 16.10.2023 from
Commissioner, Endowments Department, A.P., Gollapudi,
Vijayawada

-oOo-

It is submitted that the benign Commissioner of Endowments
Department A.P.Vijayawada instructed this office to submit a further report
on the issue of declaration of Sri S.C.Subhan Singh and Sri S.C.Krishna
Singh as members of founder family with reference to the Judgements
Issued by the Honble High Court of A.P. in W.P.2596/2009 dated 26-07-2010
and C.M.A.No. 290/2012 dated 23-07-2014 and also instructed to enclose
the letter of consent of other family members with regard to S.C.Krishna
Singh for taking further action.

In this connection it is submitted that this office submitted a
report in Rc.No.E-A1/510440/2023 dated 14-09-2023 requesting to take
action in the matter. I am herein submitting the facts in brief again for
perusal.

I submit that Sri Umamaheswara Swamy vari Temple was
founded by one late Roy Singh 80 years ago near C.A.M. High School Road,
Nellore and after his demise his lonely son Dharam Singh administered the
affairs of the Temple and after his demise one of his son late D.Subbu Singh
look after the affairs of the temple though the original founder blessed with
an another son Late D.Chenchurami singh who is issueless. This late
Subbusingh was blessed with 4 sons and one daughter besides of his Wife.

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They were late Nagamani Bai wife, Late S. Sanjeevi Singh, Late S. Garudu Singh and Sri S.C. Subhan Singh and S.C. Balaji Singh are survived at present. The name of the daughter of the demised is Sanjeevi Bai who is nothing to do with this issue. These facts are mentioned in the approved property Register which is already enclosed with this office previous report dated 14-09-2023. The applicants are from Agnatic line of succession of the original founder.

One Late Garudu Singh obtained recognition of Trustee ship as Founder member to the above mentioned Temple from the then Deputy Commissioner of Endowments Department, Guntur by filing a related case in O.A.No. 12/2007 vide order No. 20 on 26-07-2008 and acted as founder trustee of the temple until his demise on 24-11-2020. All the above facts were mentioned in the O.A. After his death, his son Chenchu Dharma Singh has been recognised as Founder family member of the temple and he is functioning as founder trustee at present.

It is submitted that Sri Chenchu Dharma Singh has been recognised as Founder trustee by the Commissioner of Endowments Department of A.P. in Proceedings in Rc.NO. D3/14021(51)/15/2021 dated 6-10-2021.

It is submitted that the High Court issued one verdict in W.P.2596/2009 holding that there is no need for any persons to approach the statutory constituted bodies i.e. A.P. Endowments Tribunal to declare them as founder Trustees, when there is no subsisting dispute and mentioned that section 87(1)(h) of Act 30 of 1987 shall not come in way to approach the Tribunal of Endowments in such cases and permitted the appointing authority to declare and recognize a member belong to founder family.

With regard to the Judgement issued in CMA 592/2012 dated 23-07-2014 the Honble High Court observed that there is no need to obtain any fresh declaration for the persons who are declared as Trustees previously under the Old Act 17 of 1966 and such persons need not approach the competent authority u/s 87(1d)(h) of the Act 30 of 1987 to declare them as successors to the founder in view of the amendments made to section 17 of Endowments Act 30 of 1987. The Honble High Court has further observed that appointing authority is the competent under explanation-II of sub sec:1 of section 17 of Act 30 of 1987.

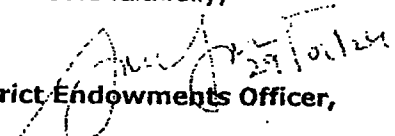
The above points regarding judgements are asserted by the Commissioner of Endowments Department, A.P. Vijayawada in proceedings in Rc.NO. D3/14021(51)/15/2021 dated 6-10-2021.

In the interregnum period one Sri S.C.Balaji Singh one of the sons of late Subbu singh filed a Writ Petition in 24561/2021 before the High Court of A.P. praying to direct the Commissioner of Endowments Dept, A.P.Vijayawada to consider his representation dated 24-11-2021 to declare him as founder family member. In view of the filing of W.P. the High Court has disposed of this petition on 30-11-2021 with a direction to consider and pass orders on the representation of him with in two months from the date of receipt of the court order. The Commissioner of Endowments Department, A.P.Vijayawada pleased to issued necessary order recognising the Writ petitioner i.e. S.C.Balaji Singh as Founder Family member on 11-04-2023 in Proceedings In Rc.NO. D3/COE-14021(51)/15/2021 and this writ petitioner is functioning as Founder Trustee.

After that Sri S.C.Subhan Singh son of Subbu singh and S.C.Krishna Singh son of Late Sanjeevi Singh who is the son of Late Subbu singh submitted representations praying to recognize them as founder family members on par with the other members of their family tree and on the request of them this office has submitted a report on 9-9-2023 and further report is called for on this office previous report for taking further action in the matter. In obedience to the instructions this further report is submitted for kind perusal. The consent letters of family members of SC.Krishna Singh stating that they have no objection in recognising him as founder trustees are also enclosed along with others.

In this connection it is requested to take further action in the matter to recognise the above 2 individuals as founder trustees of the temple at an early date.

Yours faithfully,


District Endowments Officer,

24/11/24

P3 (19)

Office of the Commissioner,
Endowments Department,
A.P., Vijayawada.

Proceedings in Rc.No. D3/COE-14021(51)/15/2021, dated 11/04/2023

Sub : Endowments Department – Sri Uma Maheswara Swamy Temple, CAM.High School Road, Nellore City – Representation of Sri S.C.Balaji Singh S/o D.Subbu Singh – In the matter recognition as Member of Founder Family to Sri Uma Maheswara Swamy Temple, CAM.High School Road, Nellore City – Declared as Founder Family Member – Orders - Issued.

Ref : 1) Rc. No A3/508/2022, dated 29.03.2022 from the Deputy Commissioner, Endowments Department, Guntur

2) Lr.CC.513/2022 in WP No.24561/2021/ Endowments /HC. Dt.24.3.2023 from Govt. Pleader for Endowments, High Court at Amaravathi

* * * * *

In the reference 1st cited, the Deputy Commissioner, Endowments Department, Guntur has reported that Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore City is published by the Commissioner, Endowments Department, Hyderabad U/Sec.6(c)(ii) of the Act 30 of 1987 vide Serial No.61 of SPSR Nellore District in Rc. No.J3/66733/1987 Dt.11.11.1987. The temple is registered U/sec.38 of the Endowments Act by the Assistant Commissioner, Endowments Department, Nellore in office No.A1/9968/79, dt.20.05.1980. As per the entries of the property register, Sri Subbu Singh, S/o.Roy Singh of Nellore City had developed the temple with his own funds and managed the temple during his life time as trustee. Sri Roy Singh had one son namely Dharm Singh who had two sons Sri Chenchu Ram Singh and Sri Subbu Singh. S.Garuda Singh is the second son of the said Subbu Singh.

The Deputy Commissioner, Endowments Department, Guntur has further reported that, Sri S.Garuda Singh had filed a petition U/sec. 87(1)(h) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 30 of 1987, before the Deputy Commissioner, Endowments Department, Guntur impleading the Executive Officer of the above temple and Asst. Commissioner, Endowments Department, Nellore as respondents. The Deputy Commissioner, Endowments Department, Guntur have enquired in the matter and heard both sides of the petitioners and respondents and considered both oral and documentary evidence produced in the case. Sri S.C.Balaji Singh the petitioner herein along with other two members have filed No Objection letter as follows :

“ We the family members of late Subbu Singh have submitted that we are all residing separately after dividing from my joint family and that we have no objection

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to declare Sri S.Garuda Singh our brother 2nd son of my father Late Subbu Singh of Nellore has founder trustee of Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore .”

The Deputy Commissioner, Endowments Department, Guntur has further reported that the then D.C., E.D., Guntur has declared S.Garuda Singh, S/o.Subbu Singh as member of founders family of Sri Umamaheswara Swamy Temple, Wahabpet, Nellore in order No.20, dt.26.07.2008 in O.A.No.12/2007. As per the above orders S.Garuda Singh was functioned as trustee of the temple besides the Executive officer appointed by the Endowments Department till his demise. Further, S.Garuda Singh expired on 24.11.2020. Later Sri Chenchu Dharma Singh, S/o. Late Garuda Singh has submitted a representation before the Deputy Commissioner, Endowments Department, Guntur to recognize him as Founder family member of the above temple. The Deputy Commissioner has submitted report to the Commissioner, Endowments Department, Vijayawada in letter No.A3/93/2021, dt.26.07.2021. The Commissioner, Endowments Department, Vijayawada was pleased to recognize Sri Chenchu Dharma Singh, S/o.Garuda Singh, resident of Nellore as founder family member to Sri Umamaheswara Swamy Temple, CAM High School Road, Nellore City in place of deceased father and requested the Deputy Commissioner, Endowments Department, Guntur to take necessary action in the matter as per rules in force and report compliance. The Deputy Commissioner, Endowments Department, Guntur has authorized the Inspector, Endowments Department, Nellore to administer the oath of office and secrecy and report compliance. The Inspector, Endowments Department, Nellore has administered oath of office and secrecy to Sri G.Chenchu Dharma Singh, S/o.Late Garuda Singh on 10.01.2021 since then Sri G.Chenchu Dharma Singh, S/o.Late Garuda Singh is functioning as founder trustee of the temple besides the Executive officer.

The D.C., E.D., Guntur has further stated that Sri S.C.Balaji Singh who has given no objection certificate on 19.12.2006 to declare Sri S.Garuda Singh has founder family member has applied for founder chairman of the temple. Subsequently he filed a Writ Petition No.24561/2021 on the file of Hon'ble High Court of Andhra Pradesh at Amaravathi praying to suspend the operation of the impugned proceedings of the Commissioner, Endowments Department, Vijayawada, in the above writ petition in Rc.No.D3/14021(51)/15/2021, dt.06.10.2021 and pass such other order in the interest of justice. He has also filed O.A.No.135/2021 before the Andhra Pradesh Endowments Tribunal, Amaravathi at Pedakakani and the same is pending .

The D.C., E.D., Guntur has further reported that the Hon'ble High court have passed orders in the above Writ Petition No.24561 of 2021 on 30.11.2021 disposing the writ petition without disturbing the status of the 5th respondent as the member of

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the founder family and with a further direction to the 2nd respondent i.e. Commissioner of Endowments to consider and pass order on the representation of the petitioner dt.24.11.2021 for being recognized as a member of the founder family of the above temple considered the application without taking into consideration of the petition pending before the A.P., Endowments Tribunal, Amaravathi at Pedakakani .

The D.C., E.D., Guntur has further reported that the petitioner has stated that no objection certificate is given only for declaration of his younger brother Garuda Singh as founder family member and not to his son and the petitioner is the family member of Roy Singh as per the Genealogy chart of family of Roy Singh.

The Endowments Act, 30/1987 specifically made a provision for recognition of F.F.M. U/s 87(1)(h) when there is any dispute regarding the same.

The Hon'ble High Court of A.P., vide Judgment dt:23.07.2014 in C.M.A. 590/2012 held that appointing authority to appoint Trustees for any institution is the competent authority under Explanation-II of Sub-sec.1 of Sec.17 of the Act., 30/1987 to appoint the successors to the Founder as defined in Explanation-II and a person can seek the appointment as Founder Trustee by approaching the appointing authority with necessary proof that he is the successor to the Founder and that there is no need to seek for declaration again, when his ancestors already recognized as hereditary trustees under the previous Endowments Act 17/1966.

In view of the facts narrated above and as per the Explanation under section 17 (I) and (II) of A.P.C. H.R.I and Endowments Act 30/1987 and as per the directions of the Hon'ble High Court in C.C.No.513/2022 in WP.No.24561/2021 during the hearing of the case on 24.3.2023, Sri S.C.Balaji Singh S/o D.Subbu Singh is hereby declared as Founder Family Member of Sri Uma Maheswara Swamy Temple, CAM.High School Road, Nellore, subject to the result of O.A.No.135/2021, pending before the A.P. Endowments Tribunal.

The Deputy Commissioner, Endowments Department, Guntur and the District Endowments Officer, Nellore District are requested to see that the above orders are implemented forthwith.

(By order of the Commissioner)

N Venkata Satyanarayana Murthy
Joint Commissioner

To:

1. The Deputy Commissioner, Endowments Department, Kurnool
2. The District Endowments Officer, Nellore District

The Executive Officer, Sri Uma Maheswara Swamy Temple, CAM.High School

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Road, Nellore City. (through Sl.No.1).
3. Sri S.C.Balaji Singh S/o D.Subbu Singh (through Sl.No.1).

P4 (23)

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

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT
THE HONOURABLE SRI JUSTICE R.RAGHUNANDAN RAO

WRIT PETITION NO: 24561 OF 2021

Between:
S.C. Balaji Singh, S/o. Late Subbusingh, Aged about 61 years, Founder Trustee, R/o.
Door No.7-4-44-1, Gopuram Street, Ranganayakulapei, SPSR Nellore District. ...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, 'Revenue (Endowments) Department, Secretariat Buildings, Velagapudi, Guntur District. A.P.
2. The Commissioner, Endowments Department, Gollapudi, Vijayawada, Krishna District.
3. The Deputy Commissioner, Endowments Department, Guntur District.
4. The Asst. Commissioner, Endowments Department, Nellore.
5. Sri Chenchu Dharma Singh, S/o. Garuda Singh, Occ. Private R/o. 7/460, Gopuram Street, Ranganayakulapei, SPSR Nellore District - 524 001. ...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the 2nd respondent in issuing proceedings in Rc. No.D3/14021(51)/15/2021 dated 6-10-2021 declaring the 5th respondent as founder family member without referring him to approach the A.P. Endowments Tribunal pending the O.A. No.135 of 2021 filed by the petitioner seeking declaration as founder family member as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice, violation of Section 87(1)(h) of A.P. Charitable Hindu Religious Institutions and Charitable Endowments Act and violative of Articles 14, 21, 25 and 26 of Constitution of India and consequently set aside the impugned proceedings dated 6-10-2021.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the 2nd impugned proceedings in Rc. No.D3/14021(51)/15/2021 dated 6-10-2021.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to consider my representation dated 24-11-2021 to declare me as founder family member and to fix rotation.

Counsel for the Petitioner: SRI D.V.SASIDHAR

Counsel for the Respondents-1 to 4: GP FOR ENDOWMENTS

Counsel for the Respondent No.5: SRI Y.NAGI REDDY

The Court made the following: ORDER

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.24561 of 2021

ORDER:

The petitioner states that he is a member of the family of the founder of a temple known as "Sri Uma Maheswara Swamy Temple, CAIM High School Road, Nellore District. According to the petitioner, the temple was constructed by late Sri Roy Singh. After his demise, his son late R.Dharma Singh had managed the temple. After the demise of Sri R.Dharma Singh, his sons late Sri D.Chenchu Singh and D.Subbu Singh were in management of the temple. Late Sri D.Subbu Singh had four sons and the petitioner was one of the sons of the late Sri D.Subbu Singh. Upon the demise of D.Subbu Singh, one of his sons namely S.Garuda Singh filed O.A.No.12 of 2007 which was allowed by the 3rd respondent on 26.07.2008 on the basis of the no objection given by the other members of the family. Upon the demise of S.Garuda Singh on 24.11.2020, the petitioner is said to have filed O.A.No.135 of 2021 before the A.P.Endowments Tribunal to declare him as one of the founder family members and the same is pending. This application is said to have been filed on account of the presence of the other members of the founder family and to cut-short any future dispute.

2. The petitioner states that at that stage, the 5th respondent herein, who is the son of late S.Garuda Singh had filed an application under Section 17 of the A.P. Charitable Hindu Religious Institutions and Endowments Act, 1987 (for

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short, [the Act, 1987] before the 2nd respondent for being recognized as a member of the founder family and the same was allowed without any further enquiry, by way of proceedings dated 06.10.2021. These proceedings are challenged before this Court on the ground that the said proceedings had been issued on the basis of No Objection Certificate, issued by all the members of the family on 22.04.2004, in relation to the recognition of S.Garuda Singh as the member of the founder family.

3. Sri Y.Nagi Reddy, learned counsel, appearing for the 5th respondent submits that the 5th respondent has already been administered the oath of office on 10.10.2021.

4. Heard Sri D.V.Sasidhar, learned counsel for the petitioner, the learned Government Pleader for respondents 1 to 4 and Sri Y.Nagi Reddy, learned counsel for respondent No.5.

5. There is no dispute that both the petitioner and the 5th respondent are descendants of late Sri Roy Singh, who is the founder of the temple. In such circumstances, both the petitioner and the 5th respondent would be entitled to be recognized as members of the founder family as they are all descendants in the agnatic line from late Sri Roy Singh.

6. As far as the formal process of recognition of members of the founder family is concerned, it is now settled law that where there is no dispute about the fact that an applicant is a member of the founder family, the said recognition can be given by the competent authority who would

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be the authority, competent to appoint the Board of Trustee for such an institution. It is only where there is a dispute as to whether an applicant is a member of the founder family or not that the said dispute has to be referred to the A.P.Endowments Tribunal under Section 87 of the Act, 1987.

7. In the present case, since there is no dispute, the appropriate method would have been for the petitioner to approach the 2nd respondent, who would be the competent authority in the present case, for being recognized as a member of the founder family of Sri Uma Maheswara Swamy Temple, CAIM High School Road, Nellore District. In the circumstances, the recognition of the 5th respondent cannot be faulted nor would that mean that the petitioner cannot be recognized as a member of the founder family.

8. Sri D.V.Sasidhar, learned counsel for the petitioner would submit that the petitioner has also made a representation dated 24.11.2021 to the 2nd respondent for being recognized and declared as member of the founder family.

9. In these circumstances, the writ petition is disposed of without disturbing the status of the 5th respondent as a member of the founder family and with a further direction to the 2nd respondent to consider and pass orders on the representation of the petitioner dated 24.11.2021 for being recognized as a member of the founder family of Sri Uma Maheswara Swamy Temple, within a period of two months from the date of receipt of this order. This application shall be

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considered without taking into consideration the pending is allowed before the Endowments Tribunal. There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J.

30.11.2021

RJS

HIGH COURT

DATED:30/11/2021

ORDER

WP.No.24561 of 2021



DISPOSING OF THE WP.
WITHOUT COSTS

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9/12/21

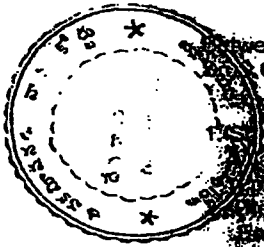
PS (29)

BEFORE THE DEPUTY COMMISSIONER, ENDOWMENTS DEPARTMENT, GUNTUR

Present : Sri A.L.S.V.PRASADA RAO, B.A., B.L., DEPUTY COMMISSIONER.

Saturday, the 26th day of July, Two thousand eight.

O.A. 12/2007.



Sri S. Garudu Singh

Petitioner.

AND

Sri Uma Maheswara S.T.,
Wahabpet, Nellore town & Dt.
Sri S. Executive Officer,
Asst. Commissioner,
Endowments Department, Nellore

Respondents.

In the matter of Sri Uma Maheswara Swamy Temple, Wahabpet, Nellore town & District.

Application under Section 87(1)(h) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 30 of 1987.

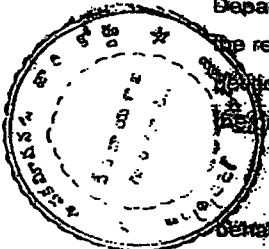
ORDER No.20, DATED: 26-07-2008

This petition having come on for hearing in the presence of Sri P. Vijaya Kumar, Advocate for the petitioners and Sri Gunturu Seshu Mohan, Advocate for the 1st respondent and having perused the material placed and upon hearing the arguments and having stood over for consideration till this day, the Deputy Commissioner passes the following

ORDER:

This is an application filed Under Section 87 (1) (h) of the APC & HRI and Endowments Act 30/1987 seeking for declaration that the petitioner is the Member belongs to Founders Family of the subject temple. The averments of the petition is that Sri Uma Maheswara Swamy Temple, Wahabpet, Nellore town & District was established by Roy Singh and developed the temple with his own funds and managed the same during his lifetime as trustee and that the said Roy Singh had a son namely, R.Dharma Singh who had two sons namely D.Chenchuram Singh and D.Subbu Singh and that the petitioner is the 2nd son of said D.Subbu Singh and that the petitioner is the paternal grand son of the original founder and that the above said fact was entered in the approved property register of the temple and finally prayed to recognise him as member belongs to Founder Family of Sri Uma Maheswara Swamy Temple, Wahabpet, Nellore town & District.

The 1st respondent filed his remarks admitting the fact of entries made in the approved property register of the temple that Roy Singh constructed the temple and his family members are acted as trustees hereditarily and stated that D.Subbu Singh acted as hereditary trustee to the subject temple during his life time and that after a long gap the present petitioner Sri S.Garudu Singh claiming founder trusteeship.



The 2nd respondent filed his remarks stating that the property Register of the subject temple is approved by the Assistant Commissioner, Endowments Department, Madurai in R.Dis.No. A/19868/79, Dated: 26-07-1980 and that as per the recitals of the said property Register Sri D. Subbar Singh who is the father of the petitioner has acted as hereditary trustee and after his demise, the petitioner filed the present petition.

On behalf of the petitioner P.W.1 is examined and Ex-P1 to P4 marked. On behalf of the respondents, the 1st respondent was examined as R.W.1, and no other was marked.

The petitioner has filed his chief-affidavit as P.W.1 while corroborated averments of the petition and stated that his ancestors established the subject temple and managing the temple during their lifetime hereditarily without any blemish which is evidence under the approved property Register of the subject temple.

During the course of cross examination, the P.W.1 has stated that the temple was constructed by his grand father and that his ancestors are managed the temple as hereditary trustees.

The 1st respondent who was examined as RW1 while corroborated the averments in the counter has admitted the entries made in the approved property register of the temple.

During the course of cross examination, the RW1 has stated that Ex.P1 Property register was approved by the Board and that in the said Register it was mentioned that the ancestors of the petitioner are acted as Hereditary trustees to the subject temple.

Heard the arguments of the learned advocates for both the petitioner and the respondents and perused the material placed before me.

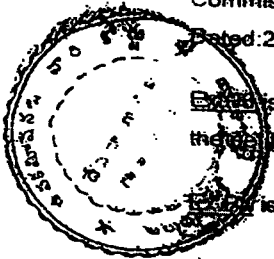
In the present case the petitioner averred in his petition as well as in his deposition that the subject temple was established by their fore fathers and thereafter their family had been managing the said Temple till the temple was brought into the Endowments Department. To establish their case the petitioners have filed the following 2 documents on their behalf.

Ex.P1 is the genealogy table of the petitioners family.

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Ex-P2 is the Property Register of the subject temple approved by the Assistant Commissioner, Endowments Department, Nellore in Rc.No.A1/9928/79, Dated:25-07-1980.



Ex-P3 is the no-objection letter of his brothers given no-objection for recognition of the petitioner as member of founders family from the branch of D.Subbu Singh.

Ex-P4 is the paper publication of the-Brahmotsavam invitation.

On consideration of the oral and documentary evidence in particular the approved property register of the temple under Ex.P2, it is established that Roy Singh is the founder of the temple and that the family members of Roy Singh are in hereditary management of the subject temple and one Sri D.Subbu Singh was in management hereditarily for the present.

While recognising a member belongs to founder family I need not go in these details since the main aspect to be considered in this matter is whether the petitioner is member of the founder's family of the subject institution and whether the institution was established by their ancestors. As per the above discussion and as per the documentary evidence on record, I have already concluded that subject institution was managed by the ancestors of the petitioner, hereditarily as per the entries made in Ex: P2.

As per Amendment was made to Section 17 in Amendment Act No.33/07 to the Act,30/87, founder means "in respect of Institution or Endowments existing at the commencement of this Act, the person who was recognized as Hereditary Trustee under the A.P.C & H.R.E. Act,1966 or a member of his family recognized by the competent authority.

For all the above reasons and having considered both oral and documentary evidence adduced in this case, I have no hesitation to declare that Sri S.Garudu Singh, S/o D.Subbu Singh, the petitioner herein is a member of founders family of Sri Uma Maheswara Swamy Temple, Wahabpet, Nellore town & District and accordingly Sri S.Garudu Singh, S/o D.Subbu Singh is declared as member of founders family of Sri Uma Maheswara Swamy Temple, Wahabpet, Nellore town & District. In the result the petition is allowed.

DEPUTY COMMISSIONER

APPENDIX OF EVIDENCE.

Witnesses examined on behalf
of the petitioner.

Witnesses examined on behalf of
the respondent.

Sri S. Garudu Singh,
S/o D. Subbu Singh

R.W.1: N. Yanadi Setty,
Executive Officer.

Documents marked on behalf of
the petitioner.

Documents marked on behalf of
the respondent.

1. The genealogy table.
2. The Property Register approved
by the Assistant Commissioner,
Endowments Department, Nellore.
3. The No objection letter of the
Assistant Commissioner,
Endowments Department, Nellore.
4. The notice for invitation
for the Arathi Brahmothavam-2002.

- Nil -

DEPUTY COMMISSIONER.

- To
1. Sri S. Garudu Singh, S/o D. Subbu Singh, D.No.7-1-649, Gopuram Street, Nellore.
 2. The Executive Officer, Sri Uma Maheswara Swamy Temple, Wāhābpet, Nellore town & District.
 3. The Asst. Commissioner, Endowments Department, Nellore.
 5. The Commissioner, Endowments Department, A.P. Hyderabad with a request to confirm the same as per the provisions laid down under Section 87 (5) of the Act, 30/87.
 6. Notice Board.
 7. Stock File.

NO OBJECTION LETTER

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To
The Deputy Commissioner,
Endowment Department,
GUNTUR.

Sir,

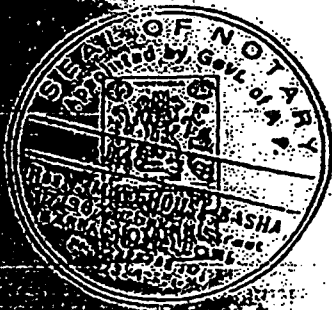
We the family members of Late D.Subbu Singh, have submitted that we are all residing seperately after dividing from my jointly family and that, we have No Objection to declare Sri S.Garuda Singh, our brother, the Second son of my father Late D.Subbu Singh of Nellore, as founder Trustee of Sri Uma Maheswara Swamy Temple, C.A.M. High School Road, Nellore.

Ex fimo
(on 22-6-2004)

1. Late (S.SANJEEVI SINGH)
Asst. Divisional Engineer,
Gudur,
Nellore District.

2. *S.C. Subhan Singh*
(S.C. SUBHAN SINGH),
Forest Guard,
Buchireddypalem,
Nellore District.

3. *S.B. Balaji Singh*
(S.C. BALAJI SINGH),
Assistant Engineer,
Panchayath Raj Department,
Kovur,
Nellore District.



Sd. GHOUSE BASHA

ADVOCATE & NOTARY,
17-367, Chakali Street,
NELLORE.

Phone: 11714 (O.M.) 11427 (R.M.)

PC

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ఆంధ్రప్రదేశ్ ప్రభుత్వం

గ్రామ - వార్డు సచివాలయ శాఖ



APGSWS 22608202

GOVERNMENT OF ANDHRA PRADESH
REVENUE DEPARTMENT

Application No



FNC221122036813

Date: 29/11/2022

Family Member Certificate

(As per G.O.Ms.No.237, Revenue(Ser.II) Department, Dated 30.06.2015)

This is to certify that Sri/Srimathi/Kumari SUBBU SINGH DHARMASINGH S/o / D/o / W/o / F/o / M/o / G/o of Sri/Srimathi/Master/Kumari DHARMASINGH of 7-4-43, NELLORE-IX (U) and Nellore (Urban) (Village & Mandal), SPSR NELLORE (District) (Aadhaar No/Aadhaar Enrolment No) who died on 04/08/1981 (As per death certificate enclosed) has the following Family Members.

S.No	Name	Relationship	Age	Marital Status	Proof Of Document	Identity No
1	SUBBU SINGH NAGUBAI DIED	Wife	99	Married	Aadhaar No	XXXXXXXX9999
2	SUBBU SINGH SANJEEVI SINGH DIED	Son	75	Married	Aadhaar No	XXXXXXXX9999
3	SUBBU SINGH GARUDU SINGH DIED	Son	73	Married	Aadhaar No	XXXXXXXX9999
4	P SANJEEVI BAI	Daughter	71	Married	Aadhaar No	XXXXXXXX8383
5	SUBBU SINGH CHENCHU SUBHAN SINGH	Son	66	Married	Aadhaar No	XXXXXXXX4735
6	SUBBU SINGH CHENCHU BALAJI SINGH	Son	62	Married	Aadhaar No	XXXXXXXX2681

Digitally Signed
by: A NIRMALANANDA
on: 29-Nov-2022 18:58:53

Page 1 of 2

Note: This is a Digitally Signed Certificate, does not require physical signature and this certificate can be verified at www.nirmalananda.gov.in by furnishing the application number mentioned in the certificate.

ANDHRA PRADESH

ANDHRA PRADESH

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ఆంధ్రప్రదేశ్ ప్రభుత్వం

గ్రామ - వార్డు సచివాలయ శాఖ



APGSWS 22608213

TO,
SURBU SINGH CHENCHU SUBHAN SINGH
7-4-43, NELLORE-II (U)
Nellore (Urban)

Certified By

Name : ANNADATHA NIRMALANANDA BABA
Designation : Tahsildar
Mandal : Nellore (Urban)

Note :

1. This is a Family Member Certificate and not a legal heir certificate.
2. This Certificate is based on the affidavit produced by the applicant. If the contents of the application are found to be false, prosecution shall be launched against the applicant.

GOVERNMENT OF ANDHRA PRADESH

Digitally Signed
by: A NIRMALANANDA
on: 29-Nov-2022 18:56:53

Page 2 of 2

ANDHRA PRADESH

P7 36

PROCEEDINGS OF THE COMMISSIONER,
ENDOWMENTS DEPARTMENT, A.P., VIJAYAWADA,

PRESENT: DR. G.VANI MOHAN, I.A.S.,
COMMISSIONER (FAC)

Proceedings in Rc.No.D3/14021(51)/15/2021, Dt:06/10/2021

Sub: Endowments Department - Sri Uma Maheswara Swamy Temple,
CAM.High School Road, Nellore City - Representation of Sri Chenchu
Dharma Singh, S/o Garuda Singh, R/o Nellore - Request for recognition as
Founder Family - Report submitted - Examined - Orders - Issued.

Ref: Lr.No.A3/93/2021, Dated.26.07.2021, from the Deputy Commissioner,
Endowments Department, Guntur.

Through reference cited, the Deputy Commissioner, Endowments
Department, Guntur reported that, Sri Uma Maheswara Swamy Temple,
CAM.High School Road, Nellore City was published u/s.6(c)(ii) of the Act,30/87
and same was established at about 80 years back by one Sri Raja Singh and the
same was written in approved property register and the Founder Trustee Sri
Subbu Singh Garuda Singh has acted as Founder Family Member to the subject
temple by getting recognition orders from the Deputy Commissioner,
Endowments Department, Guntur vide order no.20, Dt:26.07.2008. in
O.A.No.12/2007 and passed away on 24.11.2020. The assessable income of the
subject temple for the last three years are as detailed below.

Year	Assesable Income
2018-2019	Rs.3,21,995/-
2020-2021	Rs.3,10,217/-
2021-2022	Rs.3,05,317/-

The applicant , Sri Chenchu Dharma Singh is the son of Sri Subbu Singh
Garuda Singh who was acted as Founder Family Member of the subject temple
as per the orders in O.A.No.12/20017, Dt.26.07.2008.

As per the Explanation I of Sec. 17(1) of the Endowments Act, 30/1987, Founder means (a) in respect of the institutions or Endowments existing at the commencement of this Act, the person who was recognized as Hereditary Trustee under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 or a Member of his family recognized by competent Authority.

As per the Explanation II of Sec.17(1) of the Endowments Act, 30/87, Member of the Family of the founder means Children, Grand children, and so in agnatic line of succession for the time being in force and declared or recognized as such by the relevant appointing authority.

The Hon'ble High Court in Writ Petition in W.P.2596/2009 held that there is no need for the person to approach the statutory constituted bodies i.e., A.P. Endowments Tribunal, Hyderabad, when there is no subsisting dispute regarding the fact of trusteeship.

The Hon'ble High Court also made it clear that the subject matter would not come under Sec. 87 (1) (h), since there is no subsisting dispute in the matter of his recognition and the Jurisdiction of Tribunal attracts only when there is any subsisting dispute regarding the said recognition.

Further, he has submitted that the Hon'ble High Court Vide Judgment Df.26.07.2010 in W.P.No.2596/2009 keeping in view of the Amendments made to sec.17(5) by Act 33/2007 has observed that the jurisdiction of Tribunal attracts only when there is any subsisting dispute regarding declaration or recognition of a member belongs to Founder Family. If there is no dispute regarding declaration or recognition, there is no need to approach the Andhra Pradesh Endowments Tribunal and the appointing authority can declare and recognize a member belongs to Founder Family.

The Hon'ble High Court in another Judgement dt.23.7.2014 in C.M.A No.590/12 observed that there is no need to obtain any fresh declaration for the persons who are declared as Hereditary Trustees previously under the Old Act 17 of 1966 and such persons need not. approach the competent authority u/s 87 (1)(h) of the Act 30/87 to declare them as successors to the Founder in

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view of the amendments made to sec.17 of Endowments Act 30/87. The Hon'ble High Court has further observed that appointing authority to appoint trustees for any institution is the competent authority under explanation-II of sub.sec.1 of sec.17 of Act 30/87 to appoint the successors to the Founder as defined in explanation-II and a person can seek the appointment as Founder Trustee by approaching the appointing authority with necessary proof that he is the successor to the Founder.

In view of the facts and various judgments narrated above and in view of the Act provisions as stated supra and in the powers vested with the Commissioner, Endowments Department, A.P., Vijayawada U/s.17(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act 30 of 1987, Sri Chenchu Dharma Singh, S/o Garuda Singh, R/o Nellore hereby recognized as Founder Family Member to Sri Uma Maheswara Swamy Temple, CAM.High School Road, Nellore City in place of his deceased father.

The Deputy Commissioner, Endowments Department, Guntur is requested to take necessary action in the matter as per rules in force and report compliance.

(With the approval of the Commissioner)

Rana Pratap Suratani
Gazetted Superintendent

To

1. Deputy Commissioner, Endowments Department, Guntur.
2. Sri Chenchu Dharma Singh, S/o Garuda Singh, R/o Nellore.
(Through Sl.No.1)
3. The Executive Officer of Sri Uma Maheswara Swamy Temple, CAM.High School Road, Nellore City. (through Sl.No.1).
4. Copy to the Regional Joint Commissioner, Endowments Department, MZ-II, Tirupathi.
5. The Assistant Commissioner, Endowments Department, Nellore.
6. Stock file/Extra.

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(32)

APHC010152702025



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

[3458]

**THURSDAY, THE THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 8055 of 2025

Between:

SC Subhan Singh

...Petitioner

AND

The State of Andhra Pradesh and others

...Respondents

Counsel for the Petitioner:

1.D V Sasidhar

Counsel for the Respondents:

1.GP for Endowments

The Court made the following order:

The present writ petition is filed challenging the action of the 2nd respondent in not declaring the petitioner as founder family member of Sri Uma Maheshwara Swamy Temple, CAM High School Road, Nellore, in pursuance of the report submitted by the 4th respondent *vide* proceedings dated 29.01.2024.

2. Heard Sri D.V.Sasidhar, learned counsel for the petitioner and learned Assistant Government Pleader for Endowments appearing for the respondents.

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3. Today, when the matter is taken up for admission, the learned Assistant Government Pleader for Endowments, appearing for the respondents, has placed on record a copy of the written instructions received from the 4th respondent, dated 28.03.2025. A perusal of the same would reflect that the 2nd respondent already passed rejection order dated 10.07.2024 on the application filed by the petitioner seeking appointment of petitioner as founder family member.

4. The written instructions of the 4th respondent, dated 28.03.2025 are placed on record.

5. Learned counsel for the petitioner seeks liberty to challenge the rejection order.

6. Accordingly, the Writ Petition is disposed of granting liberty to challenge order of rejection dated 10.07.2024. There shall be no order as to costs.

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

JUSTICE KIRANMAYEE MANDAVA

Date: 03.04.2025
BSK

P9 (41)

భారత ప్రభుత్వం
Government of India

మల్టీ సెక్స్ సెక్యూరిటీ
Subbu Singh Chenchu Subhan Singh
పుట్టిన తేదీ/DOB: 07/11/1956
పురుషుడు/ MALE

Download Date: 18/12/2023

Issue Date: 07/02/2013

7669 0234 4735
VID : 9187 9903 3153 7918

నా ఆదార్, నా సుర్తింపు

భారత విశిష్ట గుర్తింపు ప్రాధికార సంస్థ
Unique Identification Authority of India

వ్యక్తిగత వివరాలు:
S/O లేట్ మల్టీ సెక్స్, 2-30E, గోపురం స్ట్రీట్,
రంగవాయికులపేట, నెల్లూరు, ఆంధ్ర ప్రదేశ్ - 524001

Address:-
S/O Late Subbu Singh, 7-389, GOPURAM
STREET, RANGAVOYAKULAPETA, Nellore,
Andhra Pradesh - 524001

7669 0234 4735
VID : 9187 9903 3153 7918

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MEMORANDUM OF WRIT PETITION
(UNDER SEC. 151 C.P.C.)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
W.P. No. of 2025

Between:

SC Subhan Singh, S/o D. Subbu Singh (Late),
Age 68 Years, Occ: Retired Employee,
R/o. D.No. 7/389, Gopuram Street,
Ranganayakulupeta, Nellore, SPSR Nellore District

...Petitioner

And

1. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue (Endowments) Department,
Secretariat Buildings, Velagapudi,
Guntur District, A.P.
2. The Commissioner,
Endowments Department,
Gollapudi, Vijayawada,
Krishna District.
3. The Deputy Commissioner,
Endowments Department, Guntur
4. The District Endowments Officer,
Endowments Department, Nellore.

...Respondents

For the reasons stated in the accompanying affidavit filed in the support of the above writ petition Pending disposal of the writ petition it is therefore prayed that this Hon'ble Court may be pleased to direct the 2nd respondent to consider the claim of the petitioner by virtue of the 4th respondent report dated 29.01.2024 without reference to impugned proceedings in Rc.No.D2/COE-14021(51)/15/2021 dated 10.07.2024 (served on 03.04.2025) and pass such other order or orders, in the interest of justice.

Amaravati
Date: 25.04.2025

D.v.s
COUNSEL FOR THE PETITIONER

GP
DISTRICT :: SPSR Nellore

HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

I.A. No. of 2025

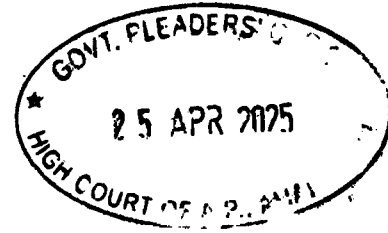
in

W.P. No. of 2025

Endow

DIRECTION PETITION

Filed on:



SRI D.V.SASIDHAR(10944)
MVS NIKHIL KASHYAP (23588)
COUNSEL FOR PETITIONERS

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