

IN THE HIGH COURT FOR THE STATE OF ANDHRA PRADESH AT AMARAVATI

W.P.No. of 2025

RUNNING INDEX

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4.		Annexure I & II	-do-	-do-	5-7
5.		Affidavit	-do-	-do-	8-14
		Material papers			
6.	Ex.P.1	Copy of the Doc.No. 643/1919 with neat typed copy and translated copy	26-4-1919	-do-	15-24
7.	Ex.P.2	Copy of the Procs. Rc.No. J1/343/2021	26-4-2021	-do-	25-26
8.	Ex.P.3	Copy of the order in W.P.No. 28588 of 2021	31-1-2022	-do-	27-28
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AMARAVATI

Dated: -02-2025

COUNSEL FOR PETITIONER

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No. _____ of 2025

Kamireddy Bhaskara Rao s/o Harinadh Babu,
aged about 48 years, occ: Cultivation
r/o Sriramavaram village, Dendluru Mandal
West Godavari District.

and

- 1) The State of Andhra Pradesh, rep. by its
Principal Secretary, Endowments Department,
Secretariat, Velagapudi, Amaravati.

- 2) The Special Commissioner, Endowments
Department, Gollapudi, Vijayawada,
Krishna.

- 3) The Assistant Commissioner,
Endowments Department
Eluru, West Godavari District.

..Respondents

The address for service of all notices etc., on the above named Petitiones is that of his counsel M/s T.Arunachalam, V.P.C.Rao, V.V.Ramana, N.Radhika, Advocates, # Flat No. 206, Block-D, Sri Chakra Residency, Navodaya Colony, Tadepalli, Guntur District.

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent authorities in proposing to conduct the auction of the lands in R.S.No. 160 and 161 corresponding to new R.S.Nos. 170 and 171 situated at Sriramavaram village, Denduluru Mandal, West Godavri District, without any manner of right, authority or claim whatsoever, as being illegal, arbitrary, unjust and unconstitutional and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Amaravathi

Dated:

COUNSEL FOR PETITIONER

WEST GODAVARI DISTRICT
IN THE HIGH COURT OF ANDHRA
PRADESH AT AMARAVATI

W.P.No. of 2025

WRIT PETITION

Filed by:

M/sVenna G Sai Venkat (25279),
Venna Ravi Teja,
T. Arunachalam,
N. Radhika
Advocates

COUNSEL FOR PETITIONER

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No. of 2025

Chronological Events

ANNEXURE-I

Sl.No.	Date of Document	Chronological Events	Page No.	Para No.
1.	Nil	Sri Sitarama Swamy Temple situated at Sriramavaram Village in Denduluru Mandal, West Godavari District. It is a popular Temple in my village and that was constructed about 100 years back. Moreover, my predecessors and my family members maintain the Temple uninterruptedly and we have been conducting Nithya, Dhoopa, Deepa, Naivedyam in the Temple by engaging a Achaka. There was a registered Document bearing No.643/1919, registered in the office of Sub-Register, Bhimadolu, West Godavari District in favour of Sri Sita Ramaswamy Temple situated Sriramavaram Village, Denduluru Mandal, West Godavari District settling landed property admeasuring Acr.5.69 cents of agricultural land in old R.S.Nos:160 and 161 and new R.S.Nos. 170 and 171 abutting the temple for the purpose of maintenance of subject temple and to conduct the Nithya Deepa, Dhupa, Naivedyam and Kalyananoshavamevery year in the said temple.	9	3
2.	Nil	The above said property belongs to my great grandfather Sri KamireddyNagayya. In the recitals of the Doc.No. 643/1919, it is made clear that our family members, forever competent to retain the said property and maintain the temple uninterruptedly. If any reason the successors of the Nagayya family members fails to perform and look after the maintenance of the said temple, in	9	4

		such situation, the temple has to be handed over to the Endowment Department, as such our predecessors and ourselves management of the subject temple till date and from above stated facts it is crystal clear that the Endowment Department has no right whatsoever in respect of the subject temple and the appurtenant lands.		
3.	26.04.2021	The 2 nd respondent herein issued proceedings Rc.No. J1/343/201 dt. 26-4-2021 notifying Sri Sita Ramaswamy Temple, situated at Sriramavaram village, Denduluru Mandal, West Godavari District, U/Sec. 6 (c) (ii) of A.P Charitable and Hindu Religious Institutions and Endowments Act, 1987. As seen from the said proceedings, the 2nd respondent has directed the 3rd respondent to take steps for registration of subject temple U/Sec. 43 of Endowments Act by following the said procedure and also to take steps to notify the properties of the subject temple under Section 22-A(1)(C) of Registration Act.	10	6
4.	26.04.2021	Challenging the proceedings of the 2 nd respondent dt. 26.4.2021, I approached this Hon'ble Court and filed W.P.No.28588 of 2021 and this Hon'ble Court after hearing the arguments of both sides at length, was pleased to grant interim day on 6-12-2021 granting stay of all further proceedings pursuant to the proceedings in Rc.No. J1/343/2021 dt. 26-4-2021 of the 2 nd respondent. In the meantime, this Hon'ble Court in the similar circumstances, was pleased to allow the W.P.No. 10283 of 2021 wherein the similar proceedings issued in respect of Sri NandikuntaVigneswara Swamy Temple situated at Nadendla village and Mandal, Guntur District were set aside	11	9
5.	26.04.2021	later the W.P.No. 28588 of 2021 is also allowed setting aside the Procs. Dt. 26.4.2021 directing the respondents to follow the procedure set out in the order	11	10

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		<p>dt. 22.11.201 passed in W.P.No. 1283 of 2021 the 2nd respondent also issued the proceedings Rc.No. J1/350/2021 dt. 29.4.2021. It is relevant to mention here that the Sriramavaram Gram Panchayat also passed a resolution expressing their unwillingness to publication of the subject temple and also confirmed about the possession of the appurtenant land of the temple in our favour and in this connection the Sarpanch, Sriramavarm Gram Pandhayat vide his letter addressed to the 3rd respondent with a request to drop the proposal of the publication of the subject temple into Endowment Department.</p>		
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ANNEXURE-I

1. U/Art. 226 of the Constitution of India.

Amaravathi

Dated: -1-2025

COUNSEL FOR PETITIONER

8

of 2025

Kamireddy Bhaskara Rao s/o Harinadh Babu,
aged about 48 years, occ: Cultivation
r/o Sriramavaram village, Dendluru Mandal
West Godavari District.

...Petitioner

1) The State of Andhra Pradesh, rep. by its
Principal Secretary, Endowments Department,
Secretariat, Velagapudi, Amaravati.

2) The Special Commissioner,
Endowments Department, Gollapudi,
Vijayawada, Krishna.

3) The Assistant Commissioner,
Endowments Department
Eluru, West Godavari District.

..Respondents

I, Kamireddy Bhaskara Rao s/o Harinadh Babu, aged about 48 years, occ:
Cultivation r/o Sriramavaram village, Dendluru Mandal, West Godavari District, now
having temporarily come down to Amaravati, 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 the present Writ Petition is filed questioning the action of the respondent authorities in proposing to conduct the auction of the land sin R.S.No. 160 and 161 corresponding to new R.S.Nos. 170 and 171 situated at Sriramavaram village, Denduluru Mandal, West Godavri District, without any

manner of right, or claim whatsoever, as being illegal, arbitrary, unjust and unconstitutional.

3 I humbly submit that Sri Sitarama Swamy Temple situated at Sriramavaram Village in Denduluru Mandal, West Godavari District. It is a popular Temple in my village and that was constructed about 100 years back. Moreover, my predecessors and my family members maintain the Temple uninterruptedly and we have been conducting Nithya, Dhoopa, Deepa, Naivedyam in the Temple by engaging a Achaka. There was a registered Document bearing No.643/1919, registered in the office of Sub-Register, Bhimadolu, West Godavari District in favour of Sri Sita Ramaswamy Temple situated Sriramavaram Village, Denduluru Mandal, West Godavari District settling landed property admeasuring Acr.5.69 cents of agricultural land in old R.S.Nos:160 and 161 and new R.S.Nos. 170 and 171 abutting the temple for the purpose of maintenance of subject temple and to conduct the Nithya Deepa, Dhupa, Naivedyam and Kalyananoshavamevery year in the said temple.

4. I submit that the above said property belongs to my great grandfather Sri KamireddyNagayya. In the recitals of the Doc.No. 643/1919, it is made clear that our family members, forever competent to retain the said property and maintain the temple uninterruptedly. If any reason the successors of the Nagayya family members fails to perform and look after the maintenance of the said temple, in such situation, the temple has to be handed over to the Endowment Department, as such our predecessors and ourselves management of the subject temple till date and from above stated facts it is crystal clear that the Endowment Department has no right whatsoever in respect of the subject temple and the appurtenant lands.

5. I further humbly submit that myself and my extended family members have been developing the temple day-by-day and conducting religious ceremonies and festivals, however allowing other devotees since God is universal, but without any

criticism from any quarter from the last several decades, there is no complaint from any quarter and we are highly satisfactory for services rendered to the said sample.

6. While that being so, the 2nd respondent herein issued proceedings Rc.No. J1/343/201 dt. 26-4-2021 notifying Sri Sita Ramaswamy Temple, situated at Sriramavaram village, Denduluru Mandal, West Godavari District, U/Sec. 6 (c) (ii) of A.P Charitable and Hindu Religious Institutions and Endowments Act, 1987. As seen from the said proceedings, the 2nd respondent has directed the 3rd respondent to take steps for registration of subject temple U/Sec. 43 of Endowments Act by following the said procedure and also to take steps to notify the properties of the subject temple under Section 22-A(1)(C) of Registration Act.

7. I submit that as stated above our family has developed the subject temple and looking the day-to-day affairs and the maintenance of the temple for the last several decades uninterruptedly. The impermissibility of registering or publishing the subject temple under the Act as the said temple is more in the nature of a private temple and is being effectively managed by me and my family members. The procedure evolved by the 2nd respondent is in direct contravention of the provisions of the Act, as well as the principles of natural justice and the publication of any religious endowments under Section 6 of the Act can be done only after notice is given to the persons under the management of the said temple.

8. I submit that attempt to register a temple or religious endowment or for that matter any charitable institution requires the institution to be first registered U/Sec. 43 of the Act. After such registration, an assessment of the income of the institution has to be done U/Sec. 65 of the Act. Thereafter, the institution is to be published under the relevant category of the institution. As this has not been followed, the proceedings dt. 26-4-2021 are vitiated and does not stands to judicial scrutiny.

9. I submit that challenging the proceedings of the 2nd respondent dt. 26.4.2021, I approached this Hon'ble Court and filed W.P.No.28588 of 2021 and this Hon'ble Court after hearing the arguments of both sides at length, was pleased to grant interim day on 6-12-2021 granting stay of all further proceedings pursuant to the proceedings in Rc.No. J1/343/2021 dt. 26-4-2021 of the 2nd respondent. In the meantime, this Hon'ble Court in the similar circumstances, was pleased to allow the W.P.No. 10283 of 2021 wherein the similar proceedings issued in respect of Sri NandikuntaVigneswara Swamy Temple situated at Nadendla village and Mandal, Guntur District were set aside with the following order:

"Accordingly, this Writ Petition is allowed setting aside the impugned proceedings of the 2nd respondent in Rc.No. J1/350/2021 dt. 29-4-2021, leaving it open to the 2nd respondent to consider any further action only after issuing necessary notices to the petitioners and all such other persons having interest in the temple, by way of personal notice and by way of publication in the news paper. Any further decision taken by the Commissioner shall only be after giving an adequate opportunity of hearing to the petitioners and persons having interest, as to why the temple should not be registered and what are the details or alterations to such details that need to be entered under Section 43 (4) of the Act".

10. I submit that later the W.P.No. 28588 of 2021 is also allowed setting aside the Procs. Dt. 26.4.2021 directing the respondents to follow the procedure set out in the order dt. 22.11.201 passed in W.P.No. 1283 of 2021 the 2nd respondent also issued the proceedings Rc.No. J1/350/2021 dt. 29.4.2021. It is relevant to mention here that the Sriramavaram Gram Panchayat also passed a resolution expressing their unwillingness to publication of the subject temple and also confirmed about the possession of the appurtenant land of the temple in our favour and in this connection the Sarpanch, Sriramavarm Gram-Pandhayat vide his letter

addressed to the 3rd respondent with a request to drop the proposal of the publication of the subject temple into Endowment Department.

11. I submit that as stated above, myself and my family members are looking after the day-to-day affairs of the temple including the expenses for conducting religious functions, festivals and more particularly the salaries to the Archaka engaged for doing the doopa-deepanaivedyam every days. The respondent authorities without complying with the orders passed in the above referred writ petitions are now making hectic attempts to put the lands settled to the purpose towards its maintenance to public auction. In such an event, manifest injustice will be caused to me and my family members and the ends of justice too would suffer. As such in order to prevent the multiplicity of litigation and from conducting auction of the subject lands to public auction by the respondent authorities, I am left with no other alternative remedy except to approach this Hon'ble Court for redressal of my grievances and for rendering justice.

12. In the above circumstances, I have no other alternative remedy except to approach this Hon'ble Court U/Art. 226 of the Constitution of India.

13. I have not filed any Writ or instituted any other legal proceedings in respect of similar relief as prayed for in this Writ Petition.

14. Therefore, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent authorities in proposing to conduct the auction of the lands in R.S.No. 160 and 161 corresponding to new R.S.Nos. 170 and 171 situated at Sriramavaram village, Denduluru Mandal, West Godavri District, without any manner of right, authority or claim whatsoever, as being illegal, arbitrary, unjust and unconstitutional and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

15. It is further prayed that this Hon'ble Court may be pleased to grant stay of all further proceedings including conduct of auction of lands in R.S.No. 160 and 161 corresponding to new R.S.Nos. 170 and 171 situated at Sriramavaram village, Denduluru Mandal, West Godavri District, pending disposal of the main Writ Petition, and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Sworn and signed before me on
this the day of January, 2025
at Amaravati.

DEPONENT

Advocate/Amaravati

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-7-

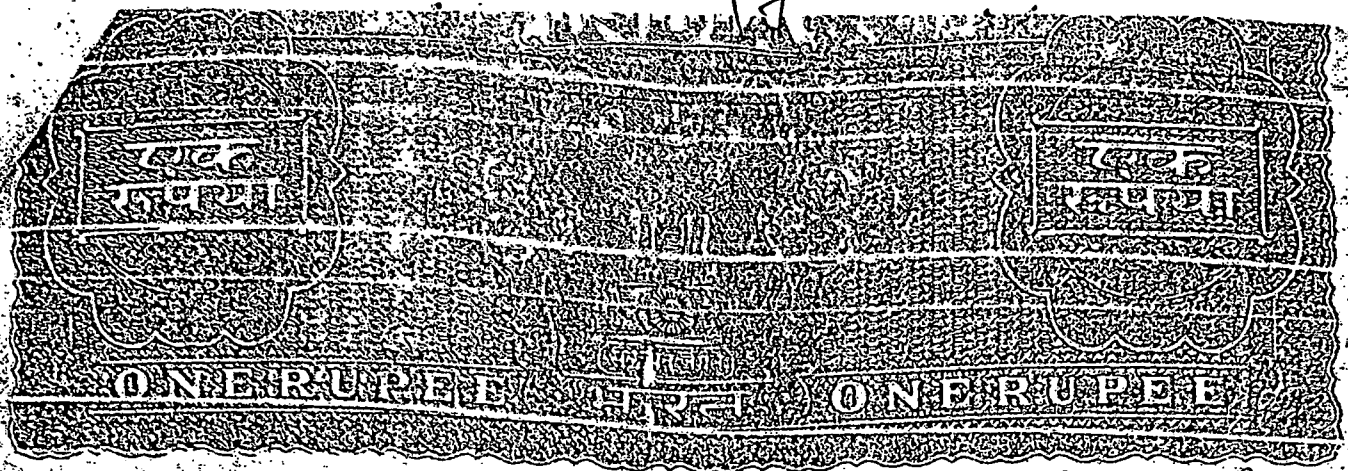
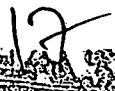
VERIFICATION STATEMENT

I, Kamireddy Bhaskara Rao s/o Harinadh Babu, aged about 48 years, occ: Cultivation r/o Sriramavaram village, Dendluru Mandal, West Godavari District, do hereby declare that what has been stated in para Nos. 1 to 15 filed in support of Writ Petition are true and correct to the best of my knowledge and belief and also based on legal advice given to me.

Verified at Amaravati on this the day of January, 2025.

ADVOCATE

DEPONENT



17501-71 1-00

నా గుర్తు పోతే గాదు క్రింద మామరేలు

25-5-89

519 వరకు రాజ గుప్తా దండయాత్ర (చిత్ర ముద్రం)

ప్రతిమూలము

[illegible]

[illegible]



ಮ. ತೃ. ಪ್ರ. ಸಂ. ೧೬೨ ರಲ್ಲಿ
ಕರ್ನಾಟಕ ಸರ್ಕಾರದಿಂದ
ತಿರಾಳಿಸಿದ ೧೨೪ ಮೊದಲನೆಯ / ೧೯೧೯
ಬೆಂಗಳೂರು D Varadrajulu
ಆ. ೧೬೨ ರಲ್ಲಿ ಸೇರಿಸಿದ
ಕರ್ನಾಟಕ ಸರ್ಕಾರದಿಂದ
೧೨೪ ಮೊದಲನೆಯ / ೧೯೧೯ ಬೆಂಗಳೂರು
6-1-1919

Document No.643 of 1919

సంవత్సరం 18 రు 150.00 రూపాయలు
చుప్పన శాశ్వతముగా శ్రీ శీతారామస్వామి వారికి
ధూప దీప నయివేద్యముల నిమిత్తం జరగగల
యేర్పాట్లతో వ్రాయించి యిచ్చిన ధర్మ
పట్టాది 25.4.19 సంరం తారీఖున యేలూరు
తాలూకా శ్రీరామవరం గ్రామములో స్తాపన
చేయబడిన శ్రీ శీతారామస్వామి వారికి సదరు
గ్రామ కాపురస్తుడు కమ్మవారు వ్యవసాయదారు
కామిరెడ్డి ధర్మయ్య గారి కుమారుడు నాగయ్య
వ్రాయించియిచ్చినది. 2. సదరు స్వామి వారి
నిమిత్తం ధూప దీప నైవేద్యముల జరగగలందులకు
యీ ఆలయములో యేర్పాటు చేసి అర్చకునకు
నెల1కి యెదుం ధాన్యం చుప్పన శాశ్వతముల
గా యివ్వగలందులకున్ని నిర్ణయించుకొని సదరు
స్వామి వారి ధర్మకర్తవ్యము మా వంశపారం
పరియం జరగ గల యేర్పాట్లతో నేను చెప్పుకుని
యీ దిగువ వుదహరించి నా తాలూకు జిరాయితీ
భూములు స్వామివారికి హామీ వుంచి నా
స్వాధీనములో వుంచుకుని యీ భూములకు
సర్కార్కు చెల్లించవలగ్ని యావత్తు శిస్తులు మేము
యిచ్చుకుంటూ వుండగలవాడను. యీ అస్తి
యవరికీ, ఏవిధమయిన యితర హక్కు భాద్యతలు
కలుగ జేశి యుండలేదు. ముందున్న యెట్టి
వినియోగములు చెయ్యము. పన్ను వుదహరించిన
యెదుం ధాన్యం వల్ల స్వామివారికి నిత్యము ధూప
దీప నయివేద్యములు జరగనియట్లు తక్కువ
యొక్కవలకు నేను భరించి జరుపగలవాడను.
ప్రతి సంవత్సరము స్వామి వారికి జరిగే కళ్యాణ
పుత్సవములు వగయిరాలు మేము హాలాయిదా
జరిగించగలవారము. సదరు ధర్మ పట్టా షరతులు
ప్రకారము నేను నా సంతతి వారు జరపని యట్లు

1919 సం యేప్రిల్ 26 తేదీ
పగలు ఘంటల మధ్య
భీమడోలు నబు రిజిస్ట్రారు
ఆఫీసులో ధాఖలు చేసినది
కామిరెడ్డి నాగయ్య వ్రాలు వ్రాసి
యిచ్చినట్లు ఒప్పుకున్నది విడమ
బొటనవ్రేలు (గుర్తు) కామిరెడ్డి
నాగయ్య వ్రాలు తండ్రి కామిరెడ్డి
ధర్మయ్య కులం కమ్మవారు
గ్రామం శ్రీరామవరం
వ్యవసాయం నిరూపించినది
కామిరెడ్డి వీర వెంకయ్య వ్రాలు
తండ్రి లక్ష్మయ్య కమ్మవారు
వ్యవసాయం శ్రీరామవరం
ఆళ్ల నూణిక్కం వ్రాలు తండ్రి
స్వబ్బన్న కమ్మవారు వ్యవసాయం
శ్రీరామవరం 1919 సం యేప్రిల్
26 తేదీ K.Veeranna Ag sub
registrar 1వ పుస్తకం, 72
వాల్యూం, 38. 39 పుటలలో
1919 సం 643 సంబంధంగా
రిజిస్ట్రారు చేయబడినది చెల్లించిన
రుసుము రు5.00 1919 సం
యేప్రిల్ 27 తేదీ K.Veeranna B.d
sub registrar
మొహరు

సదరు హామీ ఆస్తి స్వామి వారికి దస్తావేజుతో నిమిత్తము లేకుండా సదరు హామీ ఆస్తి స్వాధీనపరచి
మా ధర్మ కర్తవ్యము పుదులుకుందుము పయి ఏర్పాట్లు ప్రకారం మేము స్వామి వారి విషయము
జరిగించె పనులు మజుకూరు కాపురస్తులు కామిరెడ్డి సోమయ్య 2. అళ్ల రామయ్య గార్లు వీరి
సంతతి వారు కనిపెడుతూ వుండవలెను. హామీ ఆస్తి వయినం 3. కృష్ణా డి భీమడోలు
సబుడి యేలూరు తాలూకా శ్రీరామవరం గ్రామములో మా పూర్వార్జితం బాపతు నేటి వర్కు
మా స్వాధీన హక్కుభుక్తములో వున్నటువంటి జిరాయితీ అప్లాండు పల్లం సర్వేనెం. 160 రు
య2.11 ట్లు నె161రు య3.58ట్లు వెరశి య5.69ట్లు భూమి కామిరెడ్డి నాగయ్య వ్రాలు
యిందుకు సాక్షులు కొణకళ్ల సోమయ్య సాక్షి వ్రాలు కామిరెడ్డి వీర వెంకయ్య వ్రాలు అళ్లమాణిక్యం
వ్రాలు దస్తూరి మంచిరాజు రామకృష్ణయ్య భీమడోలు నెం161 రు ఆరు రూపాయలు కామిరెడ్డి
నాగయ్య సా శ్రీరామవరం డి 24 యేప్రియల్ 1919 Bhimadole.D Varadarajulu Ag 80నెం
162రు నాల్గు రూపాయలు కామిరెడ్డి నాగయ్య సా శ్రీరామవరం డి 24 యేప్రియల్ 1919
Bhimadole

D.Varadarajulu Ag 80

V.Copied by K.Veeranna Ag

Sub Registrar exceded by K.Hanumanth Rao clerk

K.Veeranna Ag Sub Registrar

SRO bhimadole

dt.28.9.89

TRANSLATION OF REGISTERED GIFT PATTI DATED 26.04.1919
BEARING DOCUMENT NUMBER 643/1919

The gift patti (Dharma-Patti) executed and made arrangements permanently to conduct Doopa, Deepa, Naivedyamulu (Daily Poojas) to Sri Sita Rama Swamy with an amount of Rs. 150/- (Rupees One Hundred and Fifty only) for every year.

Dated 26-04-1919 executed by Sri Kamireddy Nagaiah S/o Kamireddy Dharmiah, R/o Sriramavaram Village, Eluru Taluq in favour of Sri Sita Rama Swamy established in Sriramavaram Village. In order to conduct daily Doopa, Deepa, Naivedyams to said swamy and to give paddy to archaka monthly for his maintenance permanently and also to act as hereditary trustee after having agreed I kept the below mentioned property belonging to me as security to the swamy keeping the same in my possession by paying all land revenue etc., No encumbrances and other rights were conferred to anybody. In future also we will not create. Because of Yedum paddy mentioned above if the conduct of Doopa, Deepa, Naivedyams is not possible I will bear the excess amount and see that same are conducted. Every year festival to the swamy will be conducted by me and accordingly I agree. As per the terms of this deed myself and my issues do not conduct the above ceremonies this secured property without any recourse to separate document the property is handed over to the swamy and we relinquish our trusteeship. To implement the above terms in respect of swamy our villagers I. Kamireddy Somaiah 2. Alla Ramaiah and their issues should take care. The details secured property: III Krishna District Bhimadole Sub-Division Eluru, my ancestral property

- 2nd Page -

Which is in my possession and enjoyment till date an extent of Ac 2.41 cents in RS No. 160 and an extent of Ac 3.58 cents in RS No. 161 total admeasuring an Extent of Ac 5.69 cents Jeroyti upland wetland situated in Sriramavaram Village, Eluru Taluq.

Witnesses:

1. Sd/ Konakalla Somaiah
2. Sd/ Damireddy Veera Venkaiah
3. Sd/ Alla Manikyam

Scribe: Sd/ Manchiraju Ramakrishnaiah

- Sd/ Kamireddy Nagaiah

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25 (13) Exp-1
File No. COE/343/2021-J

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

**PRESENT: P.ARJUNA RAO, I.A.S.,
SPECIAL COMMISSIONER**

Proceedings in Rc.No.J1/343/2021, Dt: 26/04/2021.

Sub: Endowments Department - Publication of Sri Sitarama Swamy Temple, Sriramavaram(V), Denduluru(M), West Godavari District U/S 6 (c)(ii) of the A.P.C & H.R.I & Endowments Act 30 of 1987 - Orders - Issued.

Ref: Rc.No.A3/5527/2020, Dt.10.10.2020 from the Assistant Commissioner, Endowments Department, Eluru.

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In the circumstances reported by the Assistant Commissioner, Endowments Department, Eluru in the reference cited, the Special Commissioner, Endowments Department, A.P., Vijayawada hereby publishes the following Hindu Religious Institution U/S 6 (c)(ii) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (Act 30 of 1987).

Publication No.	Name of the Temple	Village, Mandal & District	Classification assigned
1870	Sri Sitarama Swamy Temple	Sriramavaram(V), Denduluru(M), West Godavari District	Sec.6(c)(ii) of the Act 30 of 1987

The Assistant Commissioner, Endowments Department, Eluru is directed to take necessary action for registration of the said temple U/S 43 of the Act 30 of 1987, duly following the procedure laid and submit proposals for prohibition of the landed property of Ac.5.75 cents of temple's valuable property U/S 22-A.(1)(c) of the Registration Act.

**Sd/- P.Arjuna Rao, I.A.S.,
Special Commissioner**

//f.b.o//

**S.S Chandra Sekhar Azad
Joint Commissioner**

To :

1. The Assistant Commissioner, Endowments Department, Eluru. He is requested to forward copies of the above proceedings to the concerned District Audit Officer, State Audit Department and to the concerned Inspector of Endowments Department at once. One copy should be affixed on the notice board of his office.

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File No. COE/343/2021-J

2. Copy to the Deputy Commissioner, Endowments Department, Kakinada. He is requested to forward a copy of the above proceedings to the District Collector, West Godavari District duly getting it translated in to Telugu (2 copies both Telugu & English) for causing publication of the above proceedings in the District Gazette.
3. Copy to the Regional Joint Commissioner, Endowments Department, Rajamahendravam for information.
4. Copy to the Commissioner of Printing & Stationery, Gazette Section, Government Regional Press Building, Satyanarayanapuram, Mutyalampadu Street, Vijayawada, Krishna District - 520011 with a request to get the matter published in the A.P. Gazette at-once and furnish a copy of the said Gazette to this office at-once (e-mail: commissionerofprintingstationery@yahoo.com).
5. Copy to B, F, W & P-Sections in Head Office for information.
6. Copy to the Director of State Audit, Ibrahimpatnam, Krishna District.
7. Copy to the Executive Authorities of the Subject Temple (through Sl.No.1).
8. Copy to the Notice Board of this Office.
9. Copy to the Editor, Aradhana Monthly Magazine in Head Office for information.
10. Stock File/Extra-1.

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HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

W.P.No.28588 of 2021

ORDER:

The petitioner, whose family is said to have been maintaining a temple known as Sri Sitarama Swamy Temple situated in Sriramavaram Village, Denduluru Mandal, West Godavari District, has approached this Court by way of the present writ petition challenging the action of the 2nd respondent in publishing the name of the aforesaid temple under Section 6(c)(ii) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') by way of proceedings in Rc.No.J1/343/2021, dated 26.04.2021.

It is the case of the petitioner that Sri Sitaram Swamy Temple mentioned above had been constructed about 100 years back and the family members of the petitioner had donated lands for the purpose of maintenance of the temple, subject to condition that the property would be retained by the family members of the petitioner only.

At that stage, the 2nd respondent is said to have published the temple under Section 6(c)(ii) of the Act by way of the impugned proceedings dated 26.04.2021. Aggrieved by the said publication, the petitioner had approached this Court by way of the present writ petition.

Heard Sri P. Srinivas Chowdary, learned counsel for the petitioner and learned Government Pleader for Endowments.

The impugned proceedings themselves state that the publication under Section 6(c)(ii) has been made even prior to registration of the temple under Section 43 of the Act. This Court while dealing with the question of the manner in which the temples and other religious

establishments are to be recognised and registered under the Act, had passed orders in W.P.No.10283 of 2021 dated 22.11.2021. In the said writ petition it was held that the first step in this process would be registration of the temple or religious endowment after due notice to all the interested and affected parties and after giving an opportunity of hearing to those persons. It is only after such registration that the authorities can go ahead with the publication under Section 6 of the Act. In the present case, this procedure has not been followed.

In the circumstances, the present writ petition is allowed setting aside the impugned proceedings dated 26.04.2021, leaving it open to the respondents to take appropriate steps after duly following the procedure set out by this Court in its order dated 22.11.2021 in W.P.No.10283 of 2021. There shall be no order as to costs.

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

31st January, 2022
Js

R. RAGHUNANDAN RAO, J

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HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.10283 of 2021

ORDER:

Sri Nandikunta Vigneswara Swamy Temple, situated in Nadendla Village and Mandal, Guntur District, is being presently managed by the petitioners. The forefathers of the petitioners had been given Ac.1.00 cents of land, by way of a Registered Gift Deed, dated 03.01.1940, for the purpose of maintaining the subject temple, and the same was carried out earlier by the forefathers of the petitioners and subsequently, the petitioners themselves.

2. The petitioners are aggrieved by the proceedings of the Commissioner, Endowments, who is arrayed as the 2nd respondent, in Rc.No.J1/350/2021, dated 29.04.2021, directing the publication of the temple as a Hindu Religious Institution under Section 6(c)(ii) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, "the Act"). These proceedings also directed the Assistant Commissioner, Endowments, Guntur to take necessary action for registration of the temple under section 43 of the Act, and for submission of proposals for entering the property of this Institution in the register under Section 22-A(1)(c) of Registration Act.

3. The objection to the said order is twofold. Firstly, it is contended that the temple has no property and the lands being claimed, as the property of the Temple, have been gifted to the forefathers of the Petitioners and consequently they are the owners of the lands, as such the lands cannot be registered in

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the name of the Temple and further the exercise is a malafide exercise being carried out for extraneous. Secondly, the procedure adopted by the 2nd respondent in directing publication of the temple under Section 6(c)(ii) of the Act, without any notice to the petitioners and without registering the temple under Section 43 of the Act, is in violation of the principles of natural justice as well as the provisions of the Act, itself.

4. Sri V.Venu Gopala Rao, learned counsel appearing for the petitioners has made submissions on the impermissibility of registering or publishing the Temple under the Act as the said temple is more in the nature of a private temple and is being effectively managed by the petitioners and the impugned proceedings are more on account of pressure from local people for extraneous purposes.

5. Sri V.Venu Gopala Rao, would further submit, without prejudice to his first contention, that the procedure evolved by the 2nd respondent is in direct contravention of the provisions of the Act, as well as principles of natural justice. He relies upon the Judgment of the erstwhile High Court of A.P in **V.V.V.R.K.Yachendra Vs. State of Andhra Pradesh**,¹ and this Court in W.P.No 21986 of 2021 dated 05.10.2021, wherein it was held that publication of any religious endowments under Section 6 of the Act can be done only after notice is given to the persons under the management of the said temple or

¹ 1987 (1) ALT 256

endowment. As no notice has been given to the petitioners, who are in management of the temple, the impugned proceedings would have to be set aside on this short ground.

6. Sri V. Venu Gopala Rao, also contends that any attempt to register a temple or religious endowment or for that matter any charitable institution requires the institution to be first registered under Section 43 of the Act. After such registration, an assessment of the income of the institution has to be done under Section 65 of the Act. Thereafter, the institution is to be published under the relevant category of Section 6 of the Act, depending upon the ascertained income of the Institution. As this has not been done, the impugned proceedings would have to be set aside.

7. The respondents have filed a counter wherein it is stated that the impugned proceedings had been issued after a detailed report was obtained from the Inspector, Endowments department wherein complaints were being received from the villagers that the present management of the temple have been misusing the donations being received by the temple. However, there is no dispute that the petitioners are in management of the temple and no notice was issued to the petitioners prior to the passing of the impugned order.

8. The erstwhile High Court of A.P in **V.V.V.R.K.Yachendra Vs. State of Andhra Pradesh.**, and this Court, in its order in W.P.No.21986 of 2021 dated 05.10.2021, had held that publication of an institution under Section 6 of

the Act cannot be done without a notice being given to the persons in management to show cause why such a publication should not be done. As no notice has been given to the present management, the impugned order would have to be set aside.

9. However, the matter does not rest there. The manner and mode in which institutions are to be registered under the Act has to be crystallised to answer the contentions raised by the learned Counsel for the petitioner.

10. All Charitable and Hindu Religious Institutions and Endowments, (hereinafter referred to as Institutions) as defined under various sub sections of Section 2 of the Act, whether registered or not, fall within the ambit of the Endowments Act. The procedure for registering these Institutions has been put in place in the Endowments Act.

11. Section 43 of the Act, 1987 stipulates that the trustee or other person in management of every institution, except those Institutions which have already been registered under the Endowments Act 1966, shall make an application, for registration under the Endowments Act, to the Jurisdictional Assistant Commissioner, within 90 days of the commencement of the 1987 Act or 90 days from the founding of such an institution. In the event of such an application not being submitted, the Commissioner, Endowments can get the Institution registered under Section 44 of the Act. It is significant that, while Section 44 of the Act requires the Commissioner to follow a prescribed procedure, for registering

an Institution, there is no such requirement in Section 43 of Act. As the procedure, to be followed under Section 43, is not set out elsewhere, the said procedure would have to be ascertained from the provisions of Section 43 itself.

12. Upon an application, containing various details relating to the Institution, as set out in Section 43 (4), being filed by the Trustee or Person in management, the Assistant Commissioner, shall after making such enquiry as he thought fit and after hearing, under Section 43 (5) of the Act, any "person having interest" in the institution or endowment, would register the Institution duly recording the details set out in section 43 (4), with such alterations that may be necessary on account of the variations found by the Assistant Commissioner in the course of the enquiry. This discretion would extend to refusing to register the Institution also. The term "Person having Interest" has been defined in Section 2(18) of the Act as follows:

(18) "Person having interest" includes -

(a) in the case of a math, a disciple of the math or a person of the religious persuasion to which the math belongs ;

(b) in the case of a charitable institution or endowment or a religious institution other than a math or a religious endowment a person who is entitled to attend at or is in the habit of attending the performance of service, charity or worship connected with the institution or endowment or who is entitled to partake or is in the habit of partaking in the benefit of any charity or the distribution of gifts thereat ;

(c) in the case of a specific endowment a person who is entitled to attend at or is in the habit of attending the performance of the service or charity or who is entitled to partake or is in the habit of partaking in the benefit of the charity ;

This definition, which is an inclusive definition, includes followers and devotees of Maths and Temples and beneficiaries of charitable institutions, within the said definition.

13. Section 43 (5) of the Act mandates an enquiry with opportunity to all persons having interest, to raise all necessary issues before the Assistant Commissioner. The issues that can be raised in such an enquiry would include the issues of whether the Institution is a Charitable or Hindu Religious Institution or Endowment falling within the ambit of the Endowments Act, the correctness of the details that are required to be set out, in the application under Section 43 (4) and such other matters which have a bearing on the Institution. This would necessitate a notice to all persons having interest to put forth their views and objections relating to the registration of the Institution and the details which are to be registered. As the definition of a "person having interest" brings within its ambit a very large section of society, it would be appropriate for the registering authority to serve personal notice of the application on such persons that, to the knowledge and belief of the registering authority, answer the description of "person with interest" and a general notice, to all other persons having interest, by publication in the newspapers which are circulated in the area where the Institution itself or the main office of the institution is located. The Registering authority after giving adequate time for objections to be filed and after considering the said objections would be required to register the Institution or reject the application of the trustee or person in management.

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14. In the event of such a Trustee or other person in management failing to apply for registration of the Institution or Endowment, the Commissioner of Endowments can issue a notice to such a person to make an application in that regard under Section 44 of the Act. This provision reads as under:

Section 44. Power of Commissioner to have the institution or endowment registered:-

Where any trustee or other person incharge of the management of a charitable or religious institution or endowment fails to apply for the registration of the institution or endowment, the Commissioner, shall give notice to the trustee or the other person aforesaid to make an application in that regard within a specified period and if he fails to make such application within the period specified, the Commissioner may have the institution or endowment registered after following the prescribed procedure and recover the cost incurred for such registration from the funds of such institution or endowment.

The term "Prescribed" has been defined in Section 2 (19) to mean, the procedure prescribed by the Rules made under this Act. The Institutions and Endowments Registration Rules, 1987 have been framed, by way of G.O.Ms. No. 631, Revenue (Endowments-I), dated 30.06.1989, prescribing the procedure to be followed under Section 44 of the Act. Under these Rules, the process starts with the jurisdictional Assistant Commissioner, under Rule 4, informing the Commissioner, Endowments, the name of the Trustee or person in management, who has failed to apply for registration, as required under section 43 (1). Upon such a report being sent, the Commissioner, under Rule 5, shall issue a notice, in Form-II, prescribed under the Rules, to such person requiring the said person to file an application for registration, within the time given under the said notice. The person receiving the notice, is entitled, under Rule 6, to file his

objections to such a notice. In the event of objections being filed, the Commissioner, Endowments would have to consider and dispose of the objections and either drop further proceedings or direct the Assistant Commissioner to register the Institution, at the cost of the Institution. Where no objections are filed or where an application for registration is filed, the commissioner can direct the Assistant Commissioner concerned, to register the Institution, at the cost of the Institution. It may be pointed out that under Section 44 of the Act read with the Rules, it is the Commissioner, Endowments who is the authority to take all decisions in relation to registration under Section 44 of the Act. Thereafter, the Assistant Commissioner would, if so directed by the Commissioner, only carry out the consequential action of registering the Institution.

15. There is no provision, under Section 44, for hearing any objections that the person in management or trustee may have about the registration of the Institution. However, Rule 6 of the rules gives such an opportunity to the Trustee or person in management. This right to a notice and filing of objections has not been given to any of the persons having interest, either under the Act or the Rules. A similar situation had come up before the erstwhile High court of Andhra Pradesh in **V.V.V.R.K.Yachendra Vs. State of Andhra Pradesh**. In this case there was no provision of notice or opportunity being given, under the Endowments Act, 1966, before an Institution was registered under the said Act. The trustee of one such temple which had been registered had approached the Court with the

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plea that the said temple had been registered without any notice and opportunity being given to him to show that the temple was a private temple which could not be registered. The Court, after noticing the fact that there was no provision, in the 1966 Act, for issuing notice prior to registration had held as follows:

8. There is no express provision in the section obliging the Commissioner to issue notice to the trustee of a private temple before enlisting the temple as a public temple. But having regard to the consequences of the notification under Sec. 6(c)(ii), it cannot be doubted that it affects the civil rights of trustees like the petitioner. It is well settled that when civil rights of a citizen are affected by the proposed action under provisions of Act, compliance of the principles of natural justice is implicit, unless this requirement is specifically taken away by the statute itself. In *Smt. Menaka Gandhi v. Union of India* the passport of the petitioner was impounded without notice to the petitioner as there was no provision in the Passport Act requiring the authorities to give notice before impounding the Passport, the Supreme Court observed:

"The principle of reasonableness, which legally as well as philosophically, is an essential element of quality or non-arbitrariness pervades Article 14 like a broadening omnipresence and the procedure contemplated by Article 21 must answer the test of reasonableness in order to be in conformity with Article 14. It must be "right and just and fair "and not arbitrary, fanciful or oppressive: otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied".

9. In a very recent judgment in *Central In Land Water Transport Corpn Ltd. v. Brojo Nath* the Supreme Court held:

"The progression of the judicial concept of Art. 14 from a prohibition against discriminatory class legislation to an invalidating factor for any discriminatory or arbitrary State action has been traced in *Tulsiram Patel's case* (1985) 3 SCC 398 (at page 473-476: ((1985) 3 SCC 398 : AIR 1985 SC 1416 at pp. 1458-1460). The principles of natural justice have now come to be recognized as being a part of the Constitutional guarantee contained in Art. 14. In *Tulsiram Patel's case* this court said (at page 476 of SCC) (at page 1460 of AIR). The principles of natural justice have thus come to be recognized as being a partsyllegism runs thus: violation of a rule of natural justice results in arbitrariness which is the same as discrimination; where discrimination is the result of State action, it is violation of Article 14; therefore a violation of a principle of natural justice by a State action is a violation of Article 14. Article 14, however, is not the sole repository of the principles of natural justice. What it does is to guarantee that any law of State action violating them will be struck down.

The principles of natural justice, however, apply not only to legislation and State action but also where any tribunal, authority or body of men, not coming within the definition of State in Article 12, is charged with the duty of deciding a matter".

10. In view of the authoritative pronouncement of the Supreme Court on the issue. I am of the view that the notification issued by the second respondent is illegal and it is accordingly quashed.

16. The Act has created a special class of persons called "Persons having Interest". This class has been created in recognition of the fact that the persons falling in this class have a special right and interest in the functioning and management of these Institutions. In such circumstances the principle enunciated above would squarely apply to all persons having interest and they would also have the right to be heard after notice is given to them. Accordingly, the procedure set out above, for giving notice and hearing the persons having interest, in relation to proceedings under section 43 of the Act, would apply to proceedings under Section 44 also.

17. It is true that this court is introducing a requirement of notice and opportunity to "persons having interest", when no such provision is available. This requirement is being brought in for two reasons. Firstly, because such a lacuna in the rules can not be a ground for denying the basic principles of natural justice to persons who are interested in the management and well being of these institutions. Secondly, because the rules are at best directory and a guide for ensuring certain minimum requirements of law. Similarly, Rule 4 that states that the process has to be started only on the report of the Assistant Commissioner need not restrain the Commissioner from issuing

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a notice under Section 44 of the Act, when such information is given to the Commissioner from any other source. Section 44 of the Act does not lay down any such restrictions on the Commissioner. As long as the basic requirement of notice and opportunity to the affected parties is not waived, the procedure laid down in Rule 4 cannot cut down the ambit of the power of the Commissioner to undertake such registration. Any other view can result in the registration of an Institution being stymied by a procedural rule which takes away the power conferred on the Commissioner by the Statute itself. For example, there may be a situation where information is received by the Commissioner directly about an Institution which requires to be registered. It is the Commissioner, who is the authority, under section 44, who is to decide whether the institution is to be registered or not. In such a situation, referring the matter to the Assistant Commissioner to enable him to send a report for initiating the process of registration, would be a redundancy.

18. Apart from registration, all the Institutions falling within the Ambit of the Act have to be published under Section 6 of the Act, which reads as follows:

6. Preparation and publication of list of charitable and religious institutions and endowments on the basis of income:-

The Commissioner shall prepare separately and publish in the prescribed manner, a list of-

- (a) (i) the charitable institutions and endowments ; or
- (ii) the religious institutions and endowments other than maths; whose annual income as calculated for the purpose of levy of contribution under Section 65 [exceed rupees twenty-five lakhs];

- (b) (i) the charitable institutions and endowments;
(ii) the religious institutions and endowments, other than maths; whose annual income calculated as aforesaid [exceeds rupees two lakhs but does not exceed rupees twenty-five lakhs];
- (c) (i) the charitable institutions and endowments ; or
(ii) the religious institutions and endowments other than maths not falling under clause (a) or clause (b);
- (d) the maths irrespective of the income ;
- (e) the Dharmadayam irrespective of the income;

Provided that the Commissioner may alter the classification assigned to an institution or endowment in the list and enter the same in the appropriate list in case the annual income of such institution or endowment calculated as aforesaid exceeds or falls below the limits specified in Clause (a) or Clause (b) or Clause (c) for three consecutive years.

19. The above provision requires publication to be carried out, in different categories, based solely upon their annual income. This categorisation has a bearing on the supervision of the said Institutions. Under Section 8, certain functions are to be carried out by the Commissioner or Additional Commissioner in Institutions published under Section 6 (a), (d) and clause (e). Under Section 10, certain functions are to be carried out by the Deputy Commissioner, within his Division, in Institutions published under Section 6 (b). Under Section 11, certain functions are to be carried out by the Assistant Commissioner, within his Sub Division, in Institutions published under Section 6 (c). The said provision does not set out any procedure for assessing the annual income of the Institution. The provision for such assessment is contained elsewhere in the Act.

20. The Hon'ble Supreme Court in **Sri Divi Kodandarama Saram and Ors., Vs. State of Andhra Pradesh**

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and Ors.,² while considering the question of payment of emoluments to Archakas had an occasion to consider the manner in which temples are to be categorised under Section 6 of the Endowments Act, 1987 and held as follows:

3. Section 6 of the Act classifies the charitable or religious institutions and endowments and other mutts on the basis of the income and its calculation under Section 65. Section 6(a) institutions are those whose income exceeds Rs 5 lakhs and above per annum; Section 6(b) institutions are those whose income exceeds Rs 50,000 but is less than Rs 5 lakhs; and Section 6(c) institutions are other than those covered under clauses (a) and (b).....

It would thus be clear that the categorisation of an institution and publication of the institution under the relevant sub-section and sub-clause of Section 6 can be done only after there is an assessment of the income of the institution under Section 65 of the Act, 1987.

21. In the light of the above scheme of the Act, the registration of the Institution is to be done either under Section 43 or 44. Thereafter, the annual income of the Institution is to be assessed under various provisions of the Act. After such assessment, the Institution is to be categorised and published under Section 6 of the Act.

22. In the present case, there is no registration under Section 43 or 44 of the Act and publication under Section 6 has been taken up directly without notice being given to the Petitioners who are admittedly in management of the temple. For all these reasons the impugned orders have to be set aside.

² 1997 (6) SCC 189

23. The procedure to be followed for registration/publication of institutions under the Endowments Act, 1987 can be summed up as follows:

- A)** i) where an application is made under Section 43(4) of the Act, 1987, the registering authority shall issue personal notice, to such persons having interest as are within the knowledge of the registering authority and also publish a notice in the local newspapers giving, all persons having interest in the institution, an opportunity to put forth their views and objections.
- ii) After affording an adequate opportunity to all such persons, the registering authority shall take a decision whether the institution has to be registered or not. If a decision is taken to register the institution, the registering authority shall register the same after filling in all the necessary details required under Section 43(4) of the Act.
- B)** Where the registration is carried out under Section 44 of the Act, the following procedure shall be followed:
- i) The Jurisdictional Assistant Commissioner either *suo motu* or on such information that is given to him, shall give a report to the Commissioner, Endowments detailing the institution that requires to be registered and the names of the person or persons, who have failed to approach the competent

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Jurisdictional Assistant Commissioner under Section 43 of the Act.

ii) Upon such information being given by the Assistant Commissioner, or being received from any other source, the Commissioner shall issue notices under Form-II to all persons, who are in default, to file an application for registration within the time given in the notice.

iii) The Commissioner shall also issue notices to all persons having interest in the institution either by way of personal notice or by way of publication of the notice in the local news papers or both, giving opportunity to such persons to put-forth their views and objections on the aspect of registration as well as the details which are to be contained under Section 43(4) of the Act.

iv) The Trustees, persons in management and/or the persons having interest are entitled to file their objections in relation to the question of whether the said Institution is liable to be registered and/or the details that are required to be included in the register under Section 43 of the Act. They may also place such material as they deem necessary before the Commissioner. After giving adequate opportunity for all such objections to be filed, the Commissioner after considering these objections and material

submitted by the objectors and after such enquiry as may be deemed fit, shall take a decision as to whether the institution is to be registered or not and the details that need to be registered under Section 43(4) of the Act.

v) In the event of the Commissioner determining that the institution requires to be registered, he shall issue directions to the Jurisdictional Assistant Commissioner to register the institution along with the details that need to be entered in the register under Section 43(4) of the Act.

vi) Upon such instructions being received, the Jurisdictional Assistant Commissioner shall register the institution duly entering of the details required under Section 43(4) of the Act. This process shall be done at the cost of the institution.

- C) After such registration, the income of the institution is to be assessed under Section 65 of the Act, 1987.
- D) Basing upon the quantum of income assessed under Section 65 of the Act, 1987, the institution is to be published by the appropriate authority on the basis of the calculation done according to the income of the institution.

24. Accordingly, this Writ Petition is allowed setting aside the impugned proceedings of the 2nd respondent in Rc.No.J1/350/2021, dated 29.04.2021, leaving it open to the

HJS

2nd respondent to consider any further action only after issuing necessary notices to the petitioners and all such other persons having interest in the temple, by way of personal notice and by way of publication in the news paper. Any further decision taken by the Commissioner shall only be after giving an adequate opportunity of hearing, to the petitioners and persons having interest, as to why the temple should not be registered and what are the details or alterations to such details that need to be entered under Section 43(4) of the Act.

25. There shall be no order as to costs.

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

22.11.2021
RJS

R. RAGHUNANDAN RAO, J.

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HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.10283 of 2021

22.11.2021

RJS

HJ

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No.10283 of 2021**Between:**

1. Nallamothu Veeraiah, S/o.late Sessaiah, aged about 85 years,
Occ: Agriculture.
2. Nallamothu Venkateswarlu, S/o.Late Bollaiah, aged about 78 years,
Occ: Agriculture.
3. Nallamothu @ Nelluri Vijaya Sarathi, S/o.Late Venkata Ramaiah,
aged about 41 years, Occ:Private Employee.

(All the petitioners are resident of Nadendal Village and Mandal, Guntur District).

... Petitioners

And

- \$ 1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Revenue (Endowments) Department, Secretariat at Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.
3. The Assistant Commissioner, Endowments Department, Naaz Centre, Guntur.

... Respondents

Date of Judgment pronounced on : 22-11-2021**HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO**

1. Whether Reporters of Local newspapers : Yes/No
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked : Yes/No
to Law Reporters/Journals:
3. Whether the Lordship wishes to see the fair copy : Yes/No
Of the Judgment?

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI** HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO****+ W.P.No.10283 of 2021****% Dated: 22-11-2021****Between:**

1. Nallamothu Veeraiah, S/o.late Sessaiah, aged about 85 years,
Occ: Agriculture.
2. Nallamothu Venkateswarlu, S/o.Late Bollaiah, aged about 78 years,
Occ: Agriculture.
3. Nallamothu @ Nelluri Vijaya Sarathi, S/o.Late Venkata Ramaiah,
aged about 41 years, Occ:Private Employee.

(All the petitioners are resident of Nadendla Village and Mandal, Guntur District).

... Petitioners**And**

- \$ 1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Revenue (Endowments) Department, Secretariat at Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.
3. The Assistant Commissioner, Endowments Department, Naaz Centre, Guntur.

... Respondents

! Counsel for petitioners : V.Venu Gopala Rao

^Counsel for Respondents 1 to 3 : G.P. for Endowments.

<GIST :

>HEAD NOTE:

? Cases referred:

¹ 1997 (6) SCC 189¹ 1987 (1) ALT 256

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కార్యనిర్వహణాధికారి వారి కార్యాలయం
దండులూరు, రామారావు గ్రామ పంచాయతీ
దండులూరు (V) & (M), ఏలూరు జిల్లా,

టు

క్రియంతరం రహస్యీకరణ వారికి,
దండులూరు మండలం,
దండులూరు.



దేవదాయ శాఖ- ఏలూరు జిల్లా - దండులూరు మండలం - శ్రీరామవరం గ్రామం
శ్రీ సీరామ స్వామి వారి దేవస్థానము నకు శ్రీరామవరం గ్రామంలో ఆర్.యస్.ఎం.
170లో య.3.58 ట్లు మరియు ఆర్.యస్.ఎం.171 లో య.2.11 ట్లు వెరసి
య.5.69 ట్లు చూములకు సంబంధించి ఆక్షమణ దారులు వద్ద గల పట్టాదారు పాస్
బుక్స్ రద్దు చేసి శ్రీ స్వామి వారి పేరున ఇప్పించుట గురించి రిమిండ్రి వివరిక
సమర్పించుము.

1. మా కార్యాలయం లేఖ సంఖ్య 191/2023 తది 15.12.2023.
2. ఆర్.ఎస్.ఎం.01/2024 ఏ.స. తది 03.01.2024 క్రియంతరం రహస్యీకరణ
కార్యాలయం, దండులూరు వారి నుండి.
3. మా కార్యాలయం లేఖ సంఖ్య 191/2023-1 తది 22.01.2024..

ఏలూరు జిల్లా, దండులూరు మండలం, శ్రీరామవరం గ్రామంలో పంచేసియున్న శ్రీ సీరామ స్వామి
వారి దేవస్థానము నకు శ్రీరామవరం గ్రామంలో ఆర్.యస్.ఎం. 170లో య.3.58 ట్లు మరియు
ఆర్.యస్.ఎం.171 లో య.2.11 ట్లు వెరసి య.5.69 ట్లు రిజిస్టరు దస్తావేజు ఎం.643/1919 తది
25.04.1919 ప్రకారం దాని పట్టిగా కామిరెడ్డి వాగయ్య రంజీ దర్శయ్య గారు డ్రాస్ యిచ్చిన చూమి శ్రీ
స్వామివారికి స్వాదీన పరచినందున ప్రస్తుతం సదరు చూమి ఆర్.యస్.ఎం.170లో య.3.58 ట్లు శ్రీరామవరం
గ్రామ వాస్తవ్యులు కామిరెడ్డి పిరిలక్ష్మి W/o. పారిశాదటాటు మరియు ఆర్.యస్.ఎం.171 లో య.2.11 ట్లు
కామిరెడ్డి బాస్కరరావు S/o. పారిశాదటాటు వారి పేరున ఉన్న పట్టాదారు పాస్ బుక్స్ రద్దు పరచుట గురించి
పై సూచిక 1 దాఖలా సేను వివరిక సమర్పించగా, రిమిండ్రి పై సూచిక 2 దాఖలా సదరు య.5.69 ట్లు
చూమిని దేవస్థానము పేరున మార్పుటకు దేవస్థానము వారు ఆస లైస్ నందు మ్యుటేషన్ కొరకు దరఖాస్తు
చేసుకొనవలసినదిగా తెలిపియున్నారు.

2 వ పేజీ.

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From
O/o. Executive Officer,
Unguturu, Rachuru Group of Temples,
Unguturu Village & Mandal, Eluru District.

Letter No. 191/2023-2, Dated: 05-07-2021

To
The Tahsildar,
Denduluru Mandal,
Denduluru,
Eluru District.

Subject: Endowment Department - Eluru District - Denduluru Mandal Sri Ramavaram Village Sri Seetharama Swamy Temple Sri Ramavaram Village R.S. No. 170 Ac. 3.58 Cents and R.S. No. 171 Ac. 2.11 Cents, that is a total of Ac. 5.69 Cents. The report is submitted to you regarding the cancellation of the passbooks of the encroaching parties in relation to the lands in the name of Sri Seetharama Swamy and the transfer of the same in the name of God.

Reference: 1. Our office letter no. 191/2023 dated 15.12.2023.
2. R.O.C.No.01/2024 C.S. dated 03.01.2024 from the office of the Hon. Tahsildar, Dendulur.
3. Our office letter no. 191/2023-1 dated 22.01.2024.

Sri Seetharama Swamy Temple situated in Sri Ramavaram village, Denduluru mandal, Eluru district, R.S. No. 170 in Ac. 3.58 Cents in Ac. 2.11 Cents, that is a total of Ac. 5.69 Cents As per the registered deed No. 643/1919 dated

25.04.1919, the land given by Kamireddy Nagayya, S/o. Dharmayya in writing to Sri Swamy has not been acquired, therefore, the said land in R.S. No. 170 in Ac. 3.58 Cents is currently owned by Kamireddy Sirilakshmi W/o. Harinadababu, a resident of Sri Ramavaram village and R.S. No. 171 in Ac. 2.11 Cents Kamireddy Bhaskara Rao S/o. I have submitted a report regarding the cancellation of the Pattadar Passbooks in the name of Harinadha Babu, and in the above report 2, the temple has stated that the temple should apply for mutation online to transfer the said Ac. 5.69 Cents land to the name of the temple.

In this regard, we are informed that an application for mutation was made online through your service for the land of R.S. No. 171 in Sri Ramavaram village belonging to Sri Swami's temple. I am attaching a copy of the said application. And for the mutation of the land of R.S. No. 170 in Sri Ramavaram village, your service has informed that the said land cannot be mutated as it is under mortgage.

Therefore, I request you that since the land in Sri Ramavaram village, R.S. No. 170 belonging to the temple of Sri Swami, is under mortgage and it is not possible to make a mutation through your service, I request that appropriate steps be taken to make a mutation in the said R.S. No. 170 for the land of 3.57 rooms and issue the passbooks of the landowner in the name of the Swami. And I pray that the land in R.S. No. 171, which was made live by your service, be issued with the passbooks of the landowner in the name of Sri Swami.

Yours Truly

Sd/-xx

(Executive Officer/Single Trustee)

అ.వి.సి

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శ్రీయుత జిల్లా ఎండోమెంటు అధికారి గారికి,
దేవదాయ ధర్మదాయ శాఖ,
ఏలూరు వారికి

దెందులూరు మండలము శ్రీరామవరం గ్రామపంచాయతీ పరిధిలో ఉన్న శ్రీ సీతారామ స్వామి వారి దేవస్థానము నకు సంబంధించి పబ్లికేషన్ దాఖలు వచ్చిన అర్జీ ప్రకారం గ్రామపంచాయతీ యందు తీర్మానము నెం 164 తేది 20.11.2023 నందలి సాధారణ సమావేశము నందు సదరు విషయము చర్చించగా గ్రామపంచాయతీ పాలకవర్గము పబ్లికేషన్ దాఖలు వచ్చిన విషయమును తిరస్కరించడమైనది. సదరు విషయమును తమ కార్యాలయమునకు తెలియజేయుచున్నాము.

ఏలూరు జిల్లా, దెందులూరు మండలం శ్రీరామవరం గ్రామ ప్రజలు, గ్రామ సర్పంచ్ మరియు ప్రజా ప్రతినిధులు శ్రీ సీతారామ స్వామి వారి దేవస్థానము నకు సంబంధించి పబ్లికేషన్ నిలుపుదల చేయుట గురించి వ్రాసుకొన్న అభ్యంతరములు తెలియజేయుట గురించి.

దెందులూరు మండలము శ్రీరామవరం లో శ్రీ సీతారామస్వామి వారి దేవస్థానము సుమారు 100 సంవత్సరములు పైబడి కలదు. సదరు ఆలయమును మా గ్రామ ప్రజలు అందరము కలిసి దేవస్థానమును నిర్వహించుచున్నాము. సదరు దేవస్థానములో ప్రతి సంవత్సరము శ్రీరామనవమి ఉత్సవరములు ఘనంగా నిర్వహించుకొను చున్నాము. సదరు ఆలయమును ఎండోమెంట్ బోధి పబ్లికేషన్ చేయుటకు దెందులూరు తహశీల్దార్ వారి కార్యాలయము నందు, గ్రామపంచాయతీ కార్యాలయము నందు ఆలయము నందు అతికించిన మీ నోటీసు ద్వారా అభ్యంతరములు కోరియున్నారు.

తమరికి శ్రీరామవరం గ్రామ ప్రజలు మరియు గ్రామ సర్పంచ్ మరియు ఇతర ప్రజా ప్రతినిధులు అందరము కలిసి తమకు తెలియజేయునది ఏమనగా సదరు ఆలయమును మాకు ఎండోమెంటు నందు పబ్లికేషన్ చేయుట ఇష్టం లేదు. సదరు ఆలయమును గ్రామస్తులు అందరం కలిసి నిర్వహణ చేసుకొనుచున్నాము. సదరు అర్చకునికి కూడా జీత భత్యములు, పూజా ఖర్చులు, ఉత్సవ ఖర్చులు కూడా మేమే చూసు కొను చున్నాము. సదరు ఆలయము మా పూర్వీకుల నుండి మా గ్రామస్తులమే నిర్వహించుకొనుచున్నాము. సదరు దేవస్థానమును ఎండోమెంటు నందు పబ్లికేషన్ చేయుటకు మాకు ఇష్టం లేనందున, మా గ్రామ ప్రజలు అందరం కలిసి శ్రీ సీతారామ స్వామి వారి దేవస్థానమునకు సంబంధించి పబ్లికేషన్ చేయుట నిలుపుదల చేయవలసినదిగా కోరుచూ, మా అభ్యంతరములు తమరికి తెలియజేయుచున్నాము.

అపేక్ష,

శ్రీయుత ఇన్స్పెక్టర్, దేవదాయ ధర్మదాయ శాఖ, ఏలూరు వారికి
ఇ.వి.సి, శ్రీనివాసు గారికి.

జత:

గ్రామపంచాయతీ తీర్మానము సకలు.

ఇట్లు,
తమ విధేయులు,
గ్రామ పంచాయతీ, శ్రీరామవరం
దెందులూరు మండలం, ఏలూరు జిల్లా.

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1.విషయం :

ఏలూరు జిల్లా, దెందులూరు మండలం, శ్రీరామవరం గ్రామంలో వేంచేసియున్న శ్రీ సీతారామ స్వామి వారి దేవస్థానము నకు సంబంధించి ఎండోమెంట్ డిపార్టుమెంటు వారు పబ్లికేషన్ చేయుటను నిలుపుదల చేయుటకు మరియు ఆలయమును గ్రామస్తుల స్వంతంగా నిర్వహణ చేయుటకు గ్రామ పంచాయితీ జనరల్ బాడీ మీటింగు ది.20.11.2023 తేదిన ఏర్పాటు చేయడమైనది.

2.సదరు ఆలయమునకు కార్యనిర్వహణాధికారిగాని లేక సెంగిల్ ట్రస్టీని గాని నియామకము చేయకుండా మరియు ఒక వేల నియామకము చేస్తే నిలుపుదల గురించి.

1.తీర్మానం:

ఏలూరు జిల్లా, దెందులూరు మండలం, శ్రీరామవరం గ్రామంలో శ్రీ సీతారామ స్వామి వారి దేవస్థానము పూర్వము నుండి గ్రామస్తుల స్వంతంగా నిర్వహించుకొనుచున్నారు. సదరు ఆలయమును ఎండోమెంట్ డిపార్టుమెంటు వారు పబ్లికేషన్ చేయుటకు అభ్యంతరములు కోరిన విషయమై సదరు జనరల్ బాడీ మీటింగులో సభ్యులు అందరూ సదరు ఆలయమును పబ్లికేషన్ చేయకుండా నిలుపుదల చేయమని ఏకగ్రీవంగా తీర్మానము చేసి ఆమోదించడమైనది.

2.తీర్మానము:

సదరు ఆలయమునకు మా గ్రామ ప్రజలకు తెలియకుండా ఎండోమెంట్ డిపార్టుమెంటు వారు కార్యనిర్వహణాధికారిగాని లేక సెంగిల్ ట్రస్టీని గాని నియామకము చేయవద్దు అనియు, ఒక వేల నియామకము చేసిన యెడల వెంటనే ఉప సహరించకొనవలసినదిగా ఎండోమెంట్ డిపార్టుమెంటు వారిని కోరుచూ సభ్యులు అందరూ ఏకగ్రీవంగా తీర్మానము చేసి ఆమోదించడమైనది.

సాధారణ సమావేశము

ది. 20.11.2023 వ తేదీ ఉదయం 11.00 గం.లకు శ్రీరామవరం గ్రామ పంచాయితీ కార్యాలయం వద్ద సర్పంచ్ శ్రీ కామిరెడ్డి వెంకట నరసింహారావు గారి అధ్యక్షతన జరుపబడిన సాధారణ సమావేశము యొక్క ప్రొసీడింగ్స్,

విషయం నెం 164 :-

శ్రీరామవరం గ్రామపంచాయితీ పరిధిలో ఉన్న శ్రీ సీతారామస్వామి దేవస్థానం నకు సంబంధించిన పబ్లికేషన్ మీద గ్రామ ప్రజలు తీర్తి ప్రకారం నదరు విషయమును గ్రామపంచాయితీ యొక్క సాధారణ సమావేశము నందు చర్చించగా పబ్లికేషన్ కు సంబంధించిన విషయమును గ్రామపంచాయితీ పాలకవర్గము వారు తిరస్కరించడమైనది.

తీర్మానం నెం 164 :-

అమోదించడమైనది.

సం/- శ్రీ కామిరెడ్డి వెంకట నరసింహారావు

సర్పంచ్

గ్రామపంచాయితీ శ్రీరామవరం

//అనబడు సరియైన నకలు//

Whom
పంచాయితీ కార్యదర్శి
గ్రామపంచాయితీ, శ్రీరామవరం
వెందులూరు (మం), ఏలూరు జిల్లా.

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To

The District Endowment Officer,
Endowments Department,
Eluru.

As per the petition filed regarding the publication of the Sri Seetharama Swamy Temple under the Sri Ramavaram Gram Panchayat of Dendulur Mandal, the matter was discussed in the Gram Panchayat in the general meeting held on 20.11.2023 vide Resolution No. 164 and the Gram Panchayat governing body rejected the publication. We are informing our office about the matter.

Regarding the written objections of the people of Sri Ramavaram village, Dendulur Mandal, Eluru district, regarding the suspension of publication regarding the Sri Seetharama Swamy Temple.

The Sri Seetharama Swamy Temple in Sri Ramavaram, Dendulur Mandal has been in existence for more than 100 years. The temple and the people of our village are managing the temple together. We celebrate Sri Ramanavami festivals in the said temple every year with great enthusiasm. Objections have been sought through your notice pasted at the Dendulur Tahsildar's office and the Gram Panchayat office for publication of the said temple in the endowments.

The people of Sri Ramavaram village, the village Sarpanch and other public representatives all together inform you that we do not want the said temple to be published in the endowment. We, all the villagers, are managing the said temple together. We also take care of the salary and allowances of the said priest, the expenses of the puja and other expenses. We have been managing the said temple from our ancestors. Since we do not want the said temple to be

published in the endowment, we, all the people of this village, are requesting you to stop the publication regarding the temple of Sri Sitarama Swamy and are expressing our objections to you.

Yours Truly

Sd/-xx

Sarpanch

Sriramavaram Gram Panchayat

Denduluru Mandal, Eluru District.

Copy to:

The Inspector, Endowments Department, Eluru

E.O.K. Srinivas

Enclosures: Copy of Gram Panchayat Resolution

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General Body Meeting

Proceedings of the General Meeting held on 20.11.2023 at 11.00 am at the Sriramavaram Gram Panchayat Office under the chairmanship of Sarpanch Sri Kamireddy Venkata Narasimha Rao.

Item No. 164: The matter regarding the publication related to Sri Seetharamaswamy Temple under the jurisdiction of Sriramavaram Gram Panchayat was discussed in the General Meeting of the Gram Panchayat as per the application of the village people and the matter related to the publication was rejected by the Gram Panchayat Governing Body.

Resolution No. 164: Approved.

Sd/-xx, Kamireddy Venkata Narasimha Rao

Sarpanch

Grama Panchayat Sriramavaram

//A true copy of the original//

Sd/-xx

Panchayat Secretary

Grama Panchayat, Sriramavaram

Denduluru (M), Eluru District.

59

1. Subject:

A meeting of the Gram Panchayat General Body was convened on 20.11.2023 to stop the publication of the Sri Sitarama Swamy Temple in Sri Ramavaram village, Denduluru mandal, Eluru district and to manage the temple on its own.

2. Regarding the suspension of the appointment of an Executive Officer or a 'Single Trustee' for the said temple and the appointment of one thousand.

1. Resolution:

The Sri Sitarama Swamy Temple in Sri Ramavaram village, Denduluru mandal, Eluru district has been managed by the villagers on their own since the past. Regarding the request of the Endowment Department to publish the said temple, all the members of the said General Body Meeting unanimously passed a resolution to stop the publication of the said temple.

2. Resolution:

The members unanimously passed a resolution requesting the Endowment Department not to appoint an executive officer or single trustee for the said temple without the knowledge of the people of our village, and if one is appointed, he should be immediately removed.

దెందులూరు మండలం శ్రీరామవరం గ్రామంలో గల సీతారామ స్వామి వారి భూములు ఏర్పాటు విషయమై ఈ రోజున తనిఖీ దారి శాఖ ఏలూరు వారి దివ్యసముఖమునకు ఆచరణకు వీలుగా ఈ దిగువ ప్రకారం మీకు తెలియపరచుచున్నాము. శ్రీరామ వరం గ్రామంలో గల సీతారామస్వామి వారి ఆలయం 100సం॥రం క్రితం నిర్మించబడినది. యీ ఆలయము మా తండ్రి గారి నుండి సుమారు 75సం॥ల నుంచి అర్చకత్వం నిర్వహిం

శ్రీరామవరం గ్రామంలో సర్వే నెం.160లో య.2-11ట్లు మరియు సర్వే నెం.161లో య.3-58సెంట్లు మొత్తం వెరశి 5-69సెంట్లు భూమి ది.25-4-1999 సం॥రంలో శ్రీరామవరం గ్రామ కాపురస్తులు కామిరెడ్డి ధర్మయ్య గారి కుమార్డు నాగయ్య గారు శ్రీస్వామి వారి ధూప దీప నైవేద్యం నిమిత్తం గాను ధర్మపట్టా భీమడోలు సబు రిజిస్ట్రారు నందు డాక్యుమెంటు నెం.643/1919 ద్వారా ప్రతి సంవత్సరం సామి వార్కి కళ్యాణ మహోత్సవములు భూమిపై వచ్చు ఆదాయముతోను సరిపోయిన సరిపోకపోయిన వారి వంశీకులే వంశపారంపర్యముగా నిర్వహించవలెను. ఈ భూమి అమ్మకం గాని తణకా గాని చేయరాదని వ్రాసినారు అప్పటి నుండి నేటివరకు ధూప దీప నైవేద్యం శ్రీ సీతారామకళ్యాణం ఉత్సవాన్ని వంశీకులు నిర్వహించుచున్నారు.భూమిని కూడా వారే శేధ్యంచేసుకున్నారు. నేటివరకు ఏవిధమైన లోటుపాట్లు కాకుండా జరుగుచున్నవి.అని తమకు ఇందుమూలముగా వ్రాసి ఇచ్చుచున్నాను. సదరు ప్రకారం వారి సంతతి వారు జరుపని యెడల సదరు ఆస్తి స్వామి వారి దస్తావేజుతో నిమిత్తము లేకుండా ఆస్తిని స్వాధీనపర్చి ధర్మకర్తలు వదలుకొందుము అని నిర్ణయించబడియున్నది.

ఇట్లు

వాడపల్లి వెంకట రామకృష్ణమా చార్యులు

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I would like to submit to the Inspector, Eluru regarding the arrangement of the lands of Sitarama Swamy in Sriramavaram village, Denduluru mandal that. The Sitarama Swamy temple in Sriramavaram village was built 100 years ago. This temple has been under the priesthood for about 75 years since the time of my father.

I hereby write to you that, Mr. Nagayya, S/o. Kamireddy Dharmayya executed an Endowments Deed on the name of God for Survey No. 160, Ac. 2-11 Cents and Survey No. In 161, Ac. 3.58 Cents that is a total land of Ac. 5-69 cents in Sriramavaram village on 25-4-1999 for the sake of offerings to God and registered it in Bhimadolu Sub Registrar office vide document no. 643/1919 and also mentioned that their descendants will perform Kalyanam festivals every year regardless of the income coming from the land. It was written that this land should not be sold or given away. Since then, the descendants have been organizing the offerings and Sri Sitarama Kalyanam festival every year. They are only cultivating this land. All the things are being done without any shortcomings till now. It has been decided that if their descendants do not act in accordance with the said deed, the property will be taken over by the trustees.

Yours Truly

Vadapalli Venkata Rama Krishnama Charyulu

తెలియ నెం...../2020, తేది.....-02-2020

తనీఖీదారు వారి కార్యాలయము
దేవదాయ ధర్మదాయ శాఖ
ఏలూరు-ప||గోటిల్లా.

టు
శ్రీయుత ఉపకమీషనరు వారికి
దేవదాయ ధర్మదాయ శాఖ
కాకినాడ -చూ||జిల్లా

అయ్య

విషయం:- దే||ధ||శాఖ - ప||గోటిల్లా ఏలూరు మండలం
ఏలూరు నగరం శ్రీ చౌడేశ్వర రామలింగేశ్వరస్వామి వారి
దేవస్థానం 2020-2021 సం|| సప్లిమెంటరీ మంజూరు
కోరుట - నివేదిక సమర్పితము
తేది. 27.02.2020 తమ కార్యాలయము నుండి
తేది 27.02.2020 కార్య నిర్వహణాధికారి నుండి
కంప్యూటర్ నెం.బి57322357/2020 సంవత్సరం

దెందులూరు మండలం శ్రీరామవరం గ్రామంలో గల సీతారామ స్వామి వారి భూములు
నాకు దేవదాయ ధర్మదాయ శాఖ కార్యాలయమునకు పిలవగా ఈ దిగువ ప్రకారం మీకు
తెలియపరుచుచున్నాను. శ్రీరామవరం గ్రామంలో గల సీతారామస్వామి సుమారు
100సం||రం క్రితం నిర్మించబడినది. యీ ఆలయమునకు మా తాతగారు కామిరెడ్డి
ధర్మయ్య గారి కుమారుడు నాగయ్య గారు ఈ ఆలయమునకు ధూప దీప నైవేద్య నిమిత్తం
రు.5-69 సెంట్లు భూమిని ది25-4-1919లో శ్రీ స్వామి వారి ధర్మ పట్టా వ్రాసి ఇచ్చినారు
అందులో వార్క ధూప ధీప నైవేద్యం నిమిత్తం మరియు స్వామి వారి శ్రీరామ నవమి కళ్యాణ
ఉత్సవములు జరిపించుకునుచు మాకే వంశ పారంపర్యంగా ధర్మ కర్తవ్యము వహించు
ఉండవలెను. వ్రాసివున్నది. అప్పటి నుంచి మా వంశీకులే జరిపించుచున్నాము. ఈభూమిని
తనాణా కాని అమ్మకం జరిపించుట హక్కులేకుండా వ్రాసినారు ఒకవేళ మేము అలా జరుపని
యెడల ధర్మ పట్టాతో నిమిత్తం లేదు. భూమి స్వామి వారికి అప్పగింపుగలవారము ధర్మకర్తవ్యం
పదలుకోగలవారము. అనే మేము తెలియజేయుచున్నాము. తమపరి కూడా మా వం
శీకులే చేసుకొంటు సీతారామ వర్యాయ వారి నిమిత్తం లేకుండా జరిపించగలవారము. చుప్పన
శాఖ్యతముగా శ్రీ సీతారామస్వామి వారికి ధూప దీప నైవేద్యముల నిమిత్తం జరగగల
యేర్పాట్లుతో వ్రాయించి రాచ్చిన ధర్మ పట్టాది 20.4.19 సంరం తారీఖున యేలూరు తాలూకా

శ్రీరామవరం గ్రామములో స్థాపన చేయబడిన శ్రీ శీతారామస్వామి వారికి సదరు గ్రామ కాపురస్తుడు కమ్మదారు వ్యవసాయదారు కామరెడ్డి ధర్మయ్య గారి కుమారుడు నాగయ్య వ్రాయించియిచ్చినది. 2. సదరు స్వామి వారి నిమిత్తం ధూప దీప నైవేద్యలు జరగగలందులకు యీ ఆలయములో యేర్పాటు చేసి అర్చకునకు నెల1కి యెదు ధాన్యం చుప్పున శాశ్వతముగా యివ్వగలందులకున్ని నిర్ణయించుకొని సదరు స్వామి వారి ధర్మకర్తవ్యము చూపంశపారంపరియ జరగ గల యేర్పాట్లతో నేను చెప్పుకుని యీ దిగువ వుదహరించి నా తాలూకు జిరాయితీ భూములు స్వామివారికి హామీ వుంచి నా స్వాధీనములో వుంచుకుని యీ భూములకు సర్కారు చెల్లించవలగ్ని యావత్తు శిస్తులు మేము యిచ్చుకుంటూ వుండగలవారము. యీ ఆస్తి యవరికే విధమయిన యితర హక్కు భాద్యతలు కలుగ జేసి యుండలేదు. ముందున్న యెద్దినియోగములు చెయ్యము. వయ్య వుదహరించిన మేదుం ధాన్యం వల్ల స్వామివారికి నిత్యము ధూప దీప నయివేద్యములు జరగనియట్ల తక్కువయెక్కువలకు నేను నివారించి జరుపగలవారము. ప్రతి సంవత్సరము వారికి జరిగే కళ్యాణ వుత్సవములు వగయిరాలు మేము హలాయిదా జరిగించగలవారము.

ఇట్లు

కామిరెడ్డి హరినాథబాబు

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Letter No. _____/2020, Dated: _____/02/2020

From

The Inspector,

Endowments Department,

Eluru, West Godavari District.

To

The Deputy Commissioner,

Endowments Department,

Kakinada, East Godavari District.

Sir,

Subject: Endowments Department - Request for Supplementary Grant for Sri Chowdeswara Ramalingeswara Swamy Temple in Eluru City, Eluru Mandal, West Godavari District for the year 2020-2021 – Report Submitted on 27/02/2020 From Executive Officer from your office from Computer No. B57322357/2020

I would like to submit that, I was called to Endowments office regarding the lands of Sitarama Swamy in Sri Ramavaram village, Dendulur mandal. Sitarama Swamy Temple in Sri Ramavaram village was built about 100 years ago. Nagayya, the son of my grandfather Kamireddy Dharmaya gave this temple a land of Ac. 5-69 cents for the purpose of offerings to this temple. On 25/04/1919, he wrote an Endowments Deed to God in which he said that my family would perform worships and conducting the Sri Rama Navami Kalyanam of the God. Since then, our descendants have been conducting the same. This land has been written without any rights to sell it and there will be no use of Endowment Deed. We can give the land to the Lord and we can relinquish our right of offerings. We inform you that in the future also our own descendants

will perform worships. The Endowments Deed was written to Sri Sitarama Swamy by Nagayya, S/o. Kammareddy Dharmayya, resident of the said village on 25/04/19 for the sake of offerings to Sri Sitarama Swamy. Having decided that apart from offerings to this temple for the God, we will provide monthly groceries for the priests indefinitely, and that the duty of the God should be our hereditary duty. I hereby declare and promise the following agricultural lands belonging to me to the God, keep them in my possession and pay all the dues to the government for these lands. No one else will have any rights and claims on the said lands and we will not use it for other purposes. If any deficiencies regarding grains occurs in future, I will resolve them at my own cost. We will perform Kalyanam and so on that take place every year.

Yours Truly

Kamireddy Harinatha Babu

Memorandum of Writ Petition Misc. Petition

(Under Section 151 of C.P.C.)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

I.A.No. of 2025

in

W.P.No. of 2025

Between:

Kamireddy Bhaskara Rao s/o Harinadh Babu,
aged about 48 years, occ: Cultivation
r/o Sriramavaram village, Dendluru Mandal
West Godavari District.

...Petitioner

and

1) The State of Andhra Pradesh, rep. by its
Principal Secretary, Endowments Department,
Secretariat, Velagapudi, Amaravati.

2) The Special Commissioner, Endowments
Department, Gollapudi, Vijayawada,
Krishna.

3) The Assistant Commissioner,
Endowments Department
Eluru, West Godavari District.

..Respondents

For the reasons stated in the affidavit filed in support of Writ Petition, it is
prayed this Hon'ble Court may be pleased to grant stay of all further proceedings
including conduct of auction of lands in R.S.No. 160 and 161 corresponding to new
R.S.Nos. 170 and 171 situated at Sriramavaram village, Dendluru Mandal, West
Godavari District, pending disposal of the main Writ Petition, and to pass such other
order or orders as this Hon'ble Court deems fit and proper in the circumstances of
the case.

AMARAVATI

Dated:

COUNSEL FOR PETITIONER

WEST GODAVARI DISTRICT

IN THE HIGH COURT OF ANDHRA
PRADESH AT AMARAVATI

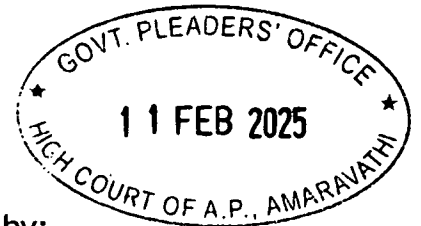
I.A.No. of 2023

in

W.P.No. of 2023

Enth S

STAY PETITION



Filed by:

M/sVenna G Sai Venkat (25279),
Venna Ravi Teja,
T. Arunachalam,
N. Radhika
Advocates

COUNSEL FOR PETITIONER



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