

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**W.P. NO. 5015 OF 2025**

Between:

1. Kallaluri Kameswara Rao, S/o. Kundaleswarudu,  
Age 54 years, Occ: Hereditary Archaka  
R/o. 1-24, Kundaleswaram, Amalapuram,  
DR. B.R.Ambethkar Konaseena District
2. Kallaluri VDPDS Ane Pavan Kumar,  
S/o. Veerabadhrasarma, Age 52 years,  
Occ: Hereditary Archaka R/o. 1-126,  
Lakshmiwada Sivalayam, Amalapuram,  
DR. B.R.Ambethkar Konaseena District
3. Kallaluri Bapeswara Sharma,  
S/o. Durga Prasana Satyanarayana Murthy,  
Age 60 years, Occ: Hereditary Archaka  
R/o. 27-9-3, Nandham ganiraju Junction,  
Rajahmundry (Urban), East Godavari District.
4. Kallaluri Bapeswara Sharma, S/o. Veerabadhrasarma,  
Age 60 years, Occ: Hereditary Archaka,  
R/o. 6-170/1, Siva Sai Nagar,  
Kamannagaruvu Amalapuram,  
DR. B.R.Ambethkar Konaseena District.
5. Kallaluri Sai Subramanyam, S/o. Kundaleswarudu,  
Age 50 years, Occ: Hereditary Archaka,  
R/o.2-63, Maruthi Nagar, Nadakuduru Kakinada,  
Kakinada District.
6. Kallakuri Kameswararao, S/o. Veerabadhrasarma,  
Age 50 years, Occ: Hereditary Archaka  
R/o. 8-95, 1.Polavaram, East Godavri District
7. Kallaluri Subrahmanya Sharma,  
S/o. Late Rama Chandra Murthy, Age 58 years,  
Occ: hereditary Archaka R/o. 1-48, Bommuru,  
Rajahmundry, East Godavari District  
Petitioners

EXECUTIVE OFFICER  
Sri Kundaleswara Swamy Temple  
(V) Katronikona (M),  
Dr. B.R. Ambedkar Konaseema Dist.

*K. Ganesh Babu*  
EXECUTIVE OFFICER  
Sri Kundaleswara Swamy Temple  
Kundaleswaram (V), Katronikona (M),  
Dr. B.R. Ambedkar Konaseema Dist.

AND

1. State of Andhra Pradesh,  
Rep. by the Principal Secretary,  
Revenue (Endowments) Department,  
Velgapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department,  
Gollapudi, Vijayawada, NTR District.
3. The Deputy Commissioner Endowment Department,  
Kakinada
4. The District Endowment Officer,  
Amalapuram, DR. B.R.Ambethkar Konaseena District
5. Sri Parvathi Kundaleswara Swamy Temple,  
Kundaleswaram, Amalapuram,  
DR. B.R.Ambethkar Konaseena District,  
Rep. by its Executive Officer.  
...Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF 5<sup>th</sup> RESPONDENT**

I, Kosarlapudi Gangadhar S/o Krishan aged 40 years Executive Officer, Endowments Department, 5<sup>th</sup> Respondent Temple do hereby solemnly affirm and sincerely state on oath as follows:

- 2) It is submitted that I am working as Executive Officer, 5<sup>th</sup> Respondent Temple, from 10.07.2023 and that I am 5<sup>th</sup> respondent in this case and as such well acquainted with the facts of the case. I have read and understood the averments of affidavit of the 1<sup>st</sup> petitioner filed in support of the writ petition and I deny all the material averments made therein except which are specifically

*K. Gangadhar*

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Dr. B.R. Ambedkar Konaseema Dist.

EXECUTIVE OFFICER  
Sri Kundaleswara Swamy Temple  
Kundaleswaram (V), Kakinada (M).  
Dr. B.R. Ambedkar Konaseema Dist.

admitted hereunder and those that are not contrary to the record. The petitioners are put to strict proof of the same.

3) It is submitted that the petitioners 1 to 7 together filed this writ petition for an order one in the nature of writ of mandamus declaring the action of 2<sup>nd</sup> respondent in issuing orders to install hundials and sale of tickets in the 5<sup>TH</sup> respondent temple as bad, illegal and arbitrary and violative of articles 14, 21, 25 and 26 of Constitution of India and consequently direct the respondents not to install hundials and sale of tickets without framing scheme as per Sec 144 of Act 30/87. This writ petition is not maintainable either on facts or in law.

4) It is submitted that the Hon'ble High Court was pleased to pass an interim orders in I.A.No.1 of 2025 in W.P.No.5015 of 2025, Dated: 25.02.2025 as follows:

*"....Respondents are directed not to install the hundials and start sale of tickets in the respondent No.5 -Temple till the next date of listing*

*For filing counters, post the matter on 18.03.2025"*

5) It is further submitted that the 5<sup>th</sup> respondent temple was published U/s 6(c)(ii) of the Act 30/87 and same is registered U/s 43 of the Act and approved by the Assistant Commissioner, Endowments Department, Rajamahendravaram vide in R.Dis.No.A2/13519/2009 Adm, Dt:13.12.2009. The 5<sup>th</sup> respondent temple owns lands to an extent of Ac.21.94 Cents in

Dr. B. R. Ambedkar Konaseema Dist.  
Kundaleswaram (V), Katrenikona (M).  
Sri Kundaleswara Swamy Temple  
EXECUTIVE OFFICER

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Sri Kundaleswara Swamy Temple  
Kundaleswaram (V), Katrenikona (M).  
Dr. B.R. Ambedkar Konaseema Dist.

various Sy. Nos at Kundaleswaram, Katrenikona, Cheyyeru and Inapuram villages.

6) It is further submitted that petitioners 1 to 7 are not hereditary archakas of 5<sup>th</sup> respondent temple as mentioned in the full cause title of petitioners in this case. They have not recognized by the Competent Authority as members of Hereditary Archaka families of the 5<sup>th</sup> respondent temple. Petitioners 2 to 4, 6 and 7 are not even rendering archakatvam in the 5<sup>th</sup> respondent temple. Hence no cause of action arose to the petitioners to invoke writ jurisdiction by filing the present writ petition under Article 226 Constitution of India. Consequently this writ petition is liable to be dismissed.

7) It is further submitted that the orders passed by the 4<sup>th</sup> respondent in D.Dis.No.A6/3910/2021, Dt: 26.11.2022, contains that the petitioners herein and some others total 19 members are Archaka Family Members of 5<sup>th</sup> respondent temple, but not members of Hereditary Archaka Families. There is no individual recognized to any of the writ petitioner herein as Hereditary Archaka or Member of Hereditary Archaka Family from the Competent Authority as defined under Sub-Section (3) of Sec.34 of the Act 30/1987. The names of the petitioners are not even entered in approved Statutory Register of 5<sup>th</sup> respondent temple maintained U/s 43 of the Act of 1987 as Hereditary Archaka or Members of Hereditary Archaka Family. Apart from this, the petitioner Nos. 2 to 4, 6 & 7 are never rendered Archakatvam in the 5<sup>th</sup>

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Sri Kundaleswara Sivan Temple  
(M. Katrenikona)  
Dr. B.R. Ambedkar Konaseema Dist.

K. Rangarath  
EXECUTIVE OFFICER  
Sri Kundaleswara Sivan Temple  
Kundaleswaram (M), Katrenikona (M),  
Dr. B.R. Ambedkar Konaseema Dist.

respondent temple, much less at the time of filing of the Writ Petition or subsequently till now. The 2<sup>nd</sup> petitioner has been rendering Archakatvam in Sri Someswara Swamy temple, Lakshmiwada (V), Katernakona (M), Dr.B.R. Ambedkar Konaseema District. The 3<sup>rd</sup> petitioner has been rendering Archakatvam in Sri Subrahmaneswara Swamy Temple, Kundaleswaram (V), Katernakona (M), Dr.B.R. Ambedkar Konaseema District. The 4<sup>th</sup> petitioner has been rendering Archakatvam at Kamananagaruvu, Amalapuram. The 6<sup>th</sup> petitioner has been rendering Archakatvam in Sri Ramalingeswara Swamy Temple, Kesanakurru (V), I. Polavaram (M), Dr.B.R. Ambedkar Konaseema District. The 7<sup>th</sup> petitioner has been rendering Archakatvam at Bommuru, Rajahmundry. These petitioners approached this Hon'ble Court without unclean hands and suppressing the material facts as mentioned above. On this ground alone, the petitioners are not entitled the Mighty hand of Hon'ble Writ Court and consequently this writ petition is liable to be dismissed in limine. The petitioner's contention that installation of hundials affects their livelihood is factually incorrect and legally unsustainable. The offerings made in hundials are donations from devotees intended for the deity and temple welfare not for individual benefit. No person, including hereditary archakas, can claim an exclusive right over such public religious funds.

8) It is further submitted that the 1<sup>st</sup> petitioner alone has been rendering Archakatvam in the 5<sup>th</sup> respondent temple since long time by enjoying

*K. Bangathla*

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**EXECUTIVE OFFICER**  
Sri Kundaleswara Swamy Temple  
Kundaleswaram (V), Katernakona (M),  
Dr. B.R. Ambedkar Konaseema Dist.

Archaka Service Inam land belonging to the 5<sup>th</sup> respondent – temple. The 5<sup>th</sup> petitioner joined with 1<sup>st</sup> petitioner in rendering Archakatvam in 5<sup>th</sup> respondent –temple since 1½ year besides rendering Archakatvam in Anjaneya Swamy Temple at Nadakuduru (V), Karapa (M), Kakinada District.

9) It is further submitted that the Commissioner, (H.R & C.R) Department, Hyderabad issued compromise order vide D.Dis.No.15252/61-C3, Dt:18.02.1996. In pursuance of the said orders, one Kallakuri Kundaleswarudu, S/o Bapanna, Kallakuri Veera Vankata Satyanarayana, S/o Late Mallanna, Kallakuri Mruthyunjayudu, S/o Sambayya and Kallakuri Suryanarayana Murthy, S/o Sambayya who were Archakas of 5<sup>th</sup> respondent temple, were entered a settlement (compromise) on 02.04.1966 with Gangumalla Ramakrishna Rao, S/o Narasimha Rao, Trustee of the temple and the said Archakas were allotted land to an extent of Ac.5.50 Cents jointly and that they have to render Archakatvam in the temple. No provision is made under the said compromise about the shares in the proposed Hundials if any to be installed and share in the Seva tickets and for collecting plate collections and appropriating the same by the Archakas etc.

10) It is further submitted that the petitioners herein have violated the terms and conditions mentioned in compromise order D.Dis.No.15252/61-C3, Dt:18.02.1966. Hence the petitioners are not entitled for any benefits under law. The averment of the petitioner that during the season of Maha Sivaratri,

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*K. Ganapathy*  
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Sri Kundaleswara Swamy Temple  
Kundaleswaram (V), Katronikona (M),  
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the Temple Authorises started measuring the places to install the Hundials is not true and correct. There is no need or necessity to issue prior notice to install the Hundials and to start Darashan / Seva tickets in the temple. No such prior notice is contemplated under the provisions of the Act and the Rules made there under. The Archakas of the temple cannot and shall not resist or object the Executive Officer of the 5<sup>th</sup> respondent temple to install Hundials and to start Darashan / Seva tickets. The averment of the petitioners that the petitioners are rendering Archakatvam in the 5<sup>th</sup> respondent temple on rotation basis is not true and correct. The temple authorities are providing Paditharam and Nanda deepam expenses to the Archaka who actually rendering Archakatvam in the 5<sup>th</sup> respondent temple. For which the 5<sup>th</sup> respondent paid Rs.60,000/- to the 1<sup>st</sup> petitioner, who is rendering Archakatvam in the temple towards Paditharam of the year 2022-23. The same is not objected by the petitioners 2 to 7. If really, petitioners 2 to 7 are rendering Archakatvam in this temple on rotation basis and meet Paditharam, they ought to have claim Paditharam from the Executive Officer of the temple or at least raise objection for such payment to the 1<sup>st</sup> petitioner. Their silence itself shows that there are nothing to do with 5<sup>th</sup> respondent temple much less Archakatvam in the said temple. The petitioners' claim that their religious rights under Articles 25 and 26 are violated, is misplaced. The proposed administrative action in no way interferes with their religious functions or the performance of archakatvam. On the contrary, the funds collected would

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(M) Kundaleswaram (V), Katrenikona (M),  
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Kundaleswaram (V), Katrenikona (M),  
Dr. B. R. Ambedkar Konaseema Dist.

support temple rituals, festivals, maintenance, and services, thereby enhancing the religious atmosphere and ensuring continuity of traditions.

11) It is further submit that the 5<sup>th</sup> respondent temple is getting annual income more than Rs.5.00 Lakhs. It annual income for the year 2024-25 is at Rs.5,19,000/-. Therefore the 5<sup>th</sup> respondent temple is not come under exemption covered by G.O.Ms.No.298, Revenue (Endowments.II) Department, Dt: 06.07.2023. As per proviso to Sec.144 of the Act 1987, the Archakas of the temple are not entitled any share in Hundials and other rusums since the annual income of 5<sup>th</sup> respondent temple exceeds Rs.5.00 Lakhs as defined U/s 65 of the Act 1987. Sub -section (3) of Sec.34 of the Act has no application to the petitioners as they are not Hereditary Archakas or members of Hereditary Archaka Families of 5<sup>th</sup> respondent temple. No material evidence is placed by the petitioners in this writ petition to prove that they are Hereditary Archakas of 5<sup>th</sup> respondent temple. Petitioners 2 to 7 herein are not placed any material to prove the nexus between them and the Archakas covered by the compromise of the year 1966. Hence, they are not entitled to insist the official respondents to frame a scheme U/s 144 of the Act of 1987. Consequently, the petitioners are not entitled to resist installation of Hunidals and commencement of Darasahan / Seva tickets in the temple till framing of scheme U/s 144 of the Act of 1987. In fact, the petitioners herein have submitted a representation to the 4<sup>th</sup> respondent on 27.03.2024 claiming

*R. Rangababu*

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Sri Rameswara Swamy Temple  
(C) 01/01/2024 (V) 01/01/2024  
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Rameswaram (V), Katrenikona (M),  
Dr. B. B. Ambedkar Nagar District.



50% from out of hundial collection in case of install hundials in the temple. It shows that they have no objection to install Hundials in the temple in case, the temple authorities have agreed their request. But the temple authorities have not considered their request. Hence, they filed the present writ petition by falsely claiming as Hereditary Archakas of the temple.

12) It is further submitted that the 1<sup>st</sup> petitioner is demanding the devotees to offer more money in the plate besides collecting money for performing of abishekams, archanas, homams etc., and earning lakhs of rupees every month more particularly in the auspicious days of Monday of every week, Sivaratri, Karthika Masam etc., and thereby causing huge loss for the income of the 5<sup>th</sup> respondent temple. Further the devotees are making complaints to the 5<sup>th</sup> Respondent Temple Authorities and Endowments Department upto the level of Commissioner of Endowments that for lack of Hundials in the temple, their sentiments to give the donations, gifts etc., directly to the Deity are being affecting and they are demanding for installation of Hundials. As per law and as per the fulfilment of the sentiments and belief of the devotees, there is every necessity for installation of the Hundials in the temple premises. Further the public and devotees are also demanding the temple authorities to introduce special darashan tickets for speedy and special Darashan of Deity on auspicious days. Since (2) two years, the number of visiting devotees of the Deity has been increasing day by day. In fact due to conduct of the 1<sup>st</sup>

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Kundawara (M), Kundawara (G),  
Dr. B.R. Ambedkar Konaseema Dist.


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Sri Kundanawara Swamy Temple  
Kundawara (M), Kundawara (G),  
Dr. B.R. Ambedkar Konaseema Dist.

petitioner-archaka, it is affecting in getting the legitimate income of the temple and it is causing very difficult to meet the expenses to provide basic amenities to the Devotees.

13) It is further submitted that basing on the report of the 4<sup>th</sup> respondent, the 2<sup>nd</sup> Respondent – Commissioner issued orders in L.Dis.No.B1/COE-12026(51)/37/2025 dt.25-2-2025 directing the temple authorities to set up atleast 4 Hundials at important points and permitted to introduce abishekam ticket for Rs.100/- in which allocate and pay Rs.40/- to archakas as remuneration for each abishekam and also permitted to introduce special darshan ticket at Rs.20/- per each and permitted to collect donations towards annadanam by issuing proper receipts to the donors etc. The 2<sup>nd</sup> respondent issued the above orders while discharging his legitimate duties by keeping in mind to safeguard the interest of the temple and for its maintenance and to provide basic amenities to the devotees. The petitioners have no right what so ever to challenge the proceedings of the Commissioner and to obstruct the authorities of the temple from installing the Hundials and starting Darasahan / Seva tickets.

14) It is further submitted that the petitioners have not made out prima-facie case in support of reliefs as prayed for in this case. Hence, the writ petition is liable to be dismissed for want of merits. It is submit that No prejudice will be

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Kundaleswaram (V), Katronikona (M),  
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caused to the petitioners by the installation of hundials. The temple shall continue to engage archakas in accordance with law and as per established custom, and the funds collected shall be properly accounted for and utilized solely for temple purposes.

15) It is further submits that the interim order passed in I.A. 1 of 2025 in W.P. 5015 of 2025 dt.25-2-2025 is liable to be vacated. Else, the respondents are put to irreparable loss and hardship and development of the temple would be effected.

In view of the above facts and circumstances, it is, therefore, prayed that this Hon'ble Court may be pleased to vacate the interim order passed in I.A.No. 1 of 2025 in W.P. 5015 of 2025 dt.25-2-2025 and order dismiss the main writ petition as devoid of merits and pass such other order or orders as this Hon'ble Court may deem fit and just in the circumstances of the case to meet ends of justice.

*K. Rangaswamy*  
Deponent

Sworn and signed before me  
on this the     day of April, 2025  
at Vijayawada.

**EXECUTIVE OFFICER**  
**Sri Kundaleswara Swamy Temple**  
Kundaleswaram (V), Katrenikona (M),  
Dist.

Attestor

**VERIFICATION STATEMENT**

I, Kosarlapudi Gangadhar S/o Krishan aged 40 years Executive Officer in the 5<sup>th</sup> Respondent Temple being deponent to this counter affidavit, do hereby verify and declare that the averments made in all paras of the counter affidavit are true to the best of my knowledge, belief, information and based on records.

Verified at Vijayawada on this the      Day of the day of April 2025.

  
Standing Counsel for Endowments

  
DEPONENT

EXECUTIVE OFFICER  
2nd Respondent Temple  
(M) K. Gangadhar S/o Krishan

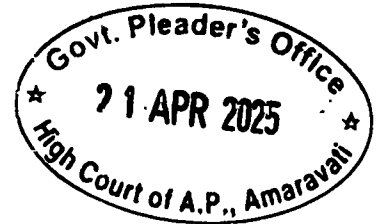
GP for Endowments

East Godavari : District  
IN THE HIGH COURT OF ANDHRA  
PRADESH AT AMARAVATI

W.P. NO. 5015 OF 2025

Endow

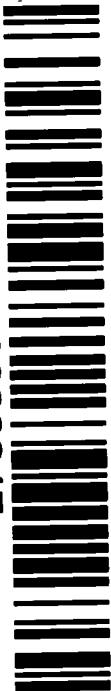
**Counter affidavit filed by 5<sup>th</sup>**  
**Respondent**



Filed by:

**K.KOTESWARA RAO (26401)**  
**Sc for endowments**  
**Counsel for Respondent**

Acknowledgement No.:



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Monday, Apr 21, 2025 14:37:14 PM

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