

HIGH COURT OF ANDHRA PRADESH ;; AT AMARAVATHI.

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W.P.No. of 2025

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6.	Exhibits P-1	<u>Material Papers:-</u> Copy of the Appointment Letter Proceedings in Rc.No.D1/COE-25026/14/2020.	12-01-2021	-do-	14 – 17
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Place : Amaravathi,
Date : 17-03-2025

Counsel for the Petitioner.

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MEMORANDUM OF WRIT PETITION
(Under Article 226 of the Constitution of India)
(Special Original Jurisdiction)
IN THE HIGH COURT OF ANDHRA PRADESH :: AT AMARAVATHI

W.P.No. of 2025

BETWEEN:-

V. Siddaiah,
S/o. V.Siddaiah, Hindu,
Aged about 73 years, Occ: Retd. Employee
R/o. D.No.1/435-33, Keerthi Apartments,
Maruthi Nagar, YSR Kadapa District. Petitioner.

AND

1. The State of Andhra Pradesh,
Rep. by it's The Principal Secretary,
Revenue (Endowment), Department,
Velagapudi, Amaravati, Guntur District.
2. The Commissioner of Endowments Department of Andhra Pradesh,
Gollapudi, Vijayawada, NTR District.
3. The Special Commissioner,
Endowments Department,
Gollapudi, Vijayawada
4. The Deputy Commissioner,
Endowments Department,
Kurnool, Kurnool District.
5. The Assistant Commissioner,
Endowments Department, Kadapa,
YSR Kadapa District.
6. Sri Yadalla Pitchaiah Setty Charities Association,
Rep. by its founder family member
Sri Kamisetty Jwala Chaitanya,
S/o. Kamisetty Jwala Narasimhulu
R/o. D.No.3-6-750-6, 1st Floor,
Opp. Karur Vysya Bank,
Near Narayanaguda Fly Over, Himayath Nagar,
Hyderabad-500029, Telangana.

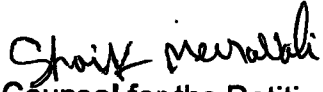
...Respondents.

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The address for service of all notices and process above the petitioners of his Counsel Mr. Shaik Meeravali (12360) & Maheswari Arika (21407) O/o. D.No. 3-757, Sri Devi Nilayam, 2nd Floor, I Pure Water Plant Line, Undavalli, Tadepalli Mandal, Guntur District, Cell No. 9704043052.

For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ order or direction more particularly, one in the nature of Writ of Mandamus, declaring the action of the 2nd Respondent in issuing the proceedings in R.C.No. D1/COE-25026/14/2020, Dated.12.01.2021 declaring the 6th respondent as founder family member of Sri Yadalla Pitchaiah Chetty Charities Association, Kadapa as bad, illegal, arbitrary, without jurisdiction, violate of principles of natural justice, non-application of mind, contrary to Sec.15,17, 18 & 19 of AP Charitable Hindu Religious Institutions and Charitable Endowments Act,1987 and Violation of Articles 14,21, 25 & 26 of Constitution of India and consequently set aside the impugned proceedings vide R.C. No. D1/COE-25026/14/2020, dated.12.01.2021 and further direct the 3rd respondent to properly verify the antecedents, qualifications, disqualifications before issuing proceedings declaring as founder family member as per Sec. 17 of Act 30/1987 and pass such other order or orders may deem fit and proper in the circumstances of the case.

Place : Amaravathi,
Date : 16-03-2025


Counsel for the Petitioner.

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IN THE HIGH COURT OF ANDHRA PRADESH :: AT AMARAVATHI**W.P.No. of 2025****ANNEXURE-I****CHRONOLOGICAL LIST OF EVENTS**

S.No.	Date	Description of the Events.	Page Nos.	Para Nos.
1.	12-01-2021	The Petitioner present Writ Petition is filed Challenging the action of the 3 rd Respondent in issuing the proceedings in Rc.No.D1/COE-25026/14/2020, dated.12.01.2021 declaring the 6 th Respondent as founder family member of Sri Yadalla Pitchaiah Charities Association, Kadapa District as bad, illegal, arbitrary, without jurisdiction, non application of mind, contrary to Sec. 15, 17, 18 & 19 of AP Charitable Hindu Religious Institutions and Charitable Endowments Act,1987 and Violation of Articles 14, 21, 25 & 26 of Constitution of India and to pass such other order or orders as the Hon'ble Court deems fit and proper in the interest of justice.	8	3
2.	...Nil...	It is submitted that the 6 th respondent institution was published u/s 6 b (1) of the Endowment Act, 30/1987 and its income is around Rs.22,00,000/- per annum and under the administrative control of the 4 th respondent.	9	5
3.	19-09-2020	It is submitted that one Kamisetty Sreenivasulu Setty founder family member of Yadalla Pitchaiah Chetty charities Institution in the such capacity, the said Kamisetty Sreenivasulu Setty died on 19.09.2020. I. submitted that respondent No.6 is the son of elder brother of K. Sreenivasulu Setty by name Kamisetty Jwala Narasimhulu.	9	6

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4.	...Nil...	It is submitted that as per Sec.17 Explanation II of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Act-1987 it clearly states that "member of the family of the founder" means children, grand children and so in agnatic line of succession for the time being in force and declared or recognized as such by the relevant appointing authority.	9	8
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Under Article 226 of Constitution of India.

Place : Amaravathi,
Date : 16-03-2025


Counsel for the Petitioner.

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IN THE HIGH COURT OF ANDHRA PRADESH :: AT AMARAVATHI

W.P.No. of 2025

BETWEEN:-

V. Siddaiah,
S/o. V.Siddaiah, Hindu,
Aged about 73 years, Occ: Retd. Employee,
R/o. D.No.1/435-33, Keerthi Apartments,
Maruthi Nagar, YSR Kadapa District.

.....Petitioner.

AND

1. The State of Andhra Pradesh,
Rep. by it's The Principal Secretary,
Revenue (Endowment), Department,
Velagapudi, Amaravati, Guntur District.
2. The Commissioner of Endowments Department of Andhra Pradesh,
Gollapudi, Vijayawada, NTR District.
3. The Special Commissioner,
Endowments Department,
Gollapudi, Vijayawada
4. The Deputy Commissioner,
Endowments Department,
Kurnool, Kurnool District.
5. The Assistant Commissioner,
Endowments Department, Kadapa,
YSR Kadapa District.
6. Sri Yadalla Pitchaiah Setty Charities Association,
Rep. by its founder family member
Sri Kamisetty Jwala Chaitanya,
S/o. Kamisetty Jwala Narasimhulu
R/o. D.No.3-6-750-6, 1st Floor,
Opp. Karur Vysya Bank,
Near Narayanaguda Fly Over, Himayath Nagar,
Hyderabad-500029, Telangana.

...Respondents.

NBL V. G. Reddy

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AFFIDAVIT

I, V. Siddaiah, S/o. late. V. Siddaiah, Aged about 73 years, Occ: Retd. Employee, R/o. D.No.1/437-33, Keerthi Apartents, Maruthi Nagar, YSR Kadapa District, now having temporarily come down to Amaravathi, Guntur District, do hereby solemnly affirm and state 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 I hail from the Kadapa Town & Mandal and I am visitor of the Chowltry and I also distribute free food pockets to the poor people whenever the Yadalla Pitchaiah Chetty Charities distributed. As such I am person having interest as per Section 2(18) of Act 30/87 and I have locus standi to file the present writ petition.
3. I submit that the present Writ Petition is filed Challenging the action of the 3rd Respondent in issuing the proceedings in Rc.No.D1/COE-25026/14/2020, dated.12.01.2021 declaring the 6th Respondent as founder family member of Sri Yadalla Pitchaiah Charities Association, Kadapa District as bad, illegal, arbitrary, without jurisdiction, non application of mind, contrary to Sec. 15, 17, 18 & 19 of AP Charitable Hindu Religious Institutions and Charitable Endowments Act,1987 and Violation of Articles 14, 21, 25 & 26 of Constitution of India and to pass such other order or orders as the Hon'ble Court deems fit and proper in the interest of justice.
4. I submit that originally one Yadalla Rangamma has established the Chowltry in her Husband's by name Yadalla Pitchaiah, Kadapa YSR District and managed the affairs of the same by bequeathing certain properties during

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V. Siddaiah

her lifetime. The objects of the subject chowdary is for providing food and shelter to the poor persons.

5. I submit that the 6th respondent institution was published u/s 6 b (1) of the Endowment Act, 30/1987 and its income is around Rs.22,00,000/- per annum and under the administrative control of the 4th respondent.

6. I submit that one Kamisetty Sreenivasulu Setty founder family member of Yadalla Pitchaiah Chetty charities Institution in the such capacity, the said Kamisetty Sreenivasulu Setty died on 19.09.2020. I submitted that respondent No.6 is the son of elder brother of K. Sreenivasulu Setty by name Kamisetty Jwala Narasimhulu.

7. I submit that the respondent No.6 being not a in agnatic line succession of Yadalla Pitchaiah Chetty Charities Association (6th respondent institution) cannot be said to be male member of the family of Smt.Yadalla Rangamma. Smt.Yadalla Rangamma who is a founder of the 6th Respondent Institution does not have male child. As Yacalla Rangamma had no male succession. More so, the respondent No.6 who does not come in agnatic line of succession and as such the appointment of respondent No.6 as founder family member of Yadalla Pitchaiah Chetty Charities is prima facie illegal and liable to be set aside.

8. I submit that as per Sec.17 Explanation II of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Act-1987 it clearly states that **"member of the family of the founder" means children, grand children and so in agnatic line of succession** for the time being in force and declared or recognized as such by the relevant appointing authority.

9. I submit that the 6th Respondent Institution of (Yadalla Pitchaiah Chetty Charities Association, Kadapa) established since 1920. Hence the Kamisetty

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V. Sreenivasulu

Jwala Chaitanya is not in agnatic line of the succession. Originally there is no any male child to Yadalla Pitchaiah Chetty. Hence the appointment of the founder family member of Kamisetty Jwala Chaitanya is not maintainable.

10. I submit that the Respondent No.3 i.e. Special Commissioner is not competent authority under Law to appoint the Respondent No.6 as founder family member of Yadalla Pitchaiah Chetty Charities Association, Kadapa.

11 I submit that the brother of the deceased Kamisetty Srinivasulu Chetty by name Kamisetty Venugopala Krishnaiah Chetty filed O.A.No.402/2013 u/s 87 6 (h) of Endowment Act, 1987 before the A.P. Endowment Tribunal, Pedda Kakani, Guntur District, the said Kamisetty Srinivasulu Chetty was not managing the Yadalla Pitchaiah Chetty Charities Association properly and requested to appoint himself as founder family member. The 6th Respondent herein has been attending to the said O.A.

12. I submit that after death of the said Kamisetty Srinivasulu Chetty the then founder family member, the 6th respondent filed an application before the 2nd Respondent for appointment himself as founder family member of Yadalla Pitchaiah Setty Charities Association, Kadapa. In the said application the 6th Respondent did not obtain No Objection certificates from all the family members of Yadalla Pitchaiah Chetty.

13. I submit that the 6th Respondent i.e. Kamisetty Jwala Chaitanya has not maintained the said Institution as per Endowment rules and regulations. He has not leased out the property in the public auction and he colluded with the tenants and he did not collect the rents from the tenants regularly and he has been residing at Hyderabad, Telangana State. The said institution is situated at Kadapa, Andhra Pradesh. There is no any approval orders from the Commissioner, Endowment with regard to the lease of the property and there

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V. R. Srinivasulu Chetty

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is no any lease agreements and approvals from the competent authority, due to which there is huge loss of income with regard to the Yadalla Pitchaiah Chetty Charities Association, Kadapa. I submit that after death of the then Trustee i.e. Kamisetty Srinivasulu Chetty, the 4th Respondent issued proceedings appointing the Executive Officer, Sri Veerabhadra Swamy Temple, Rayachoty as in-charge Executive Officer for the 6th Respondent Institution. The said Executive Officer issued notice for conducting Public Auction for lease out of the property i.e. an Extent of Ac. 1.20 of Charities Property. Subsequently, the 6th Respondent obtained Stay orders from the Hon'ble High Court of the A.P. Amaravathi not to conduct the public auction. Since then no public auction has been conducted so far.

14. I submit that the appointment order of 6th Respondent issued by the 3rd Respondent i.e. Special Commissioner, Endowment Department, Vijayawada is not maintainable as per Endowment Act.

15. I submit that the Commissioner cannot appoint the Respondent No.6 as member of founder family, when admittedly O.A.No.402/2013 is pending before the competent forum i.e. A.P.Endowment Tribunal, Pedakakani, Guntur. Hence the appointment order issued by the Respondent No.3 herein is impugned order.

16. I submit that the 6th respondent is residing at Hyderabad, Telangana State and practicing as a Dental Doctor and he is unable to maintain the said Institution properly as per Endowment Act.

17. I submit that the Yadalla Pitchaiah Charities Association is a 6(b) institution and under the administrative control of the 4th Respondent as per the income.

V. *[Signature]*



- In the above mentioned circumstances, It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ order or direction more particularly, one in the nature of Writ of Mandamus, declaring the action of the 2nd Respondent in issuing the proceedings in R.C.No. D1/COE-25026/14/2020, Dated.12.01.2021 declaring the 6th respondent as founder family member of Sri Yadalla Pitchaiah Chetty Charities Association, Kadapa as bad, illegal, arbitrary, without jurisdiction, violate of principles of natural

V. L. Lewis

justice, non-application of mind, contrary to Sec.15,17, 18 & 19 of AP Charitable Hindu Religious Institutions and Charitable Endowments Act,1987 and Violation of Articles 14,21, 25 & 26 of Constitution of India and consequently set aside the impugned proceedings vide R.C. No. D1/COE-25026/14/2020, dated.12.01.2021 and further direct the 3rd respondent to properly verify the antecedents, qualifications, disqualifications before issuing proceedings declaring as founder family member as per Sec. 17 of Act 30/1987 and pass such other order or orders may deem fit and proper in the circumstances of the case.

25. It is also just and necessary that this Hon'ble Court may be pleased to suspend the operation of impugned proceedings in R.C.No. D1/COE-25026/14/2020, Dated :12.01.2021 issued by the 3rd Respondent, pending disposal of the above writ petition and to pass such other order or orders that the Hon'ble deems fit and proper in the circumstances of the case.

Solemnly Sworn and Signed in my presence
on this day of 16-03-2025
at Amaravathi

N.S.D.
Advocate/Amaravathi.
(N.S. Bhagavan Rao)

V. Siddaiah
Deponent

VERIFICATION STATEMENT

I, V. Siddaiah, S/o. late. V. Siddaiah, Aged about 73 years, Occ: Retd. Employee, R/o. D.No.1/437-33, Keerthi Apartents, Maruthi Nagar, YSR Kadapa District, now having temporarily come down to Amaravathi, Guntur District, being the petitioner/ person acquainted with the facts do hereby verify and state that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge.

Hence verified at Amaravathi on this the day of 13-03-2025.

Shankar Narasimha
Counsel for the Petitioner

V. Siddaiah
Deponent.

Y.S.R. KADAPA DISTRICT

**HIGH COURT OF ANDHRA PRADESH ::
AT AMARAVATHI.**

W.P.No. of 2025

MEMORANDUM OF WRIT PETITION

Filed on : 17-03-2025

Filed by :

**Mr. Shaik Meeravali (12360)
Maheswari Arika (21407)
Counsel for the Petitioner.
Cell No. 9704043052.**

Office of the Commissioner,
Endowments Department
A.P., Amaravathi,
At Gollapudi, Vijayawada.

Proceedings in Rc.No.D1/COE- 25026/14/2020, dated 12/01/2021

Sub: Endowments Department - Sri Yadalla Pitchaiah Chetty Charities Association, Kadapa - Dr. Jwala Chaitanya, S/o. Kamisetty Jwala Narasimhulu - Declared as member of Founder Family - Orders - Issued.

Ref: 1. Representation dated 10.11.2020 of Dr. Jwala Chaitanya.
2. Letter in Rc.No.A1/3280/2020, dated 12.12.2020 from the Assistant Commissioner, Endowments Department, YSR Kadapa Dist.

@ @ @

Dr. Jwala Chaitanya, S/o. Kamisetty Jwala Narasimhulu has submitted a representation in the reference 1st cited to declare him as a member of Founder Family to Yadalla Pitchaiah Chetty Charities Association, Kadapa as successor of deceased K. Srinivasulu Founder Family Member who died on 19.09.2020.

In the reference 2nd cited, the Assistant Commissioner, Endowments Department, YSR Kadapa District has submitted a report against this office memo, stating that,

1. That Sri Yadalla Pitchaiah Chetty Charities Association, Kadapa Town YSR Kadapa District was published U/s.6(b)(i) of the Act 30/1987 and its income is around Rs.22.00 Lakhs per annum and under the administration control of the Endowments Department.
2. That K. Srinivasulu Chetty Founder Family Member and Secretary of the subject institution died on 19.09.2020 and he is junior paternal uncle of Dr. Jwala Chaitanya.
3. Initially one Smt. Yadla Ranganamma executed a registered will vide document No.30/1920 of Sub Register, Kadapa, dated 22.09.1920 established the subject charities and allotted some of her properties for its maintenance from out of income on the said properties and entrusted the said activity to her progeny and that subsequently she died and as per her will and judgment in O.S.No.8/1932 on the file of Hon'ble District Judge, Kadapa, dated 03.11.1937, a scheme was formulated to establish and maintain the subject institution with 3 members of Board of Trustees consisting (i) Rao Sheb Kamisetty

V. S. S. S. S.

Venkatesam Chetty and after him his family members in Hereditary succession, (ii) the Sub Magistrate of Kadapa for the time being and (iii) a prominent person of the locality by suggesting Sri Devathi Ranganayakulu Chetty for a period of 5 years only and later 1st and 2nd Trustees shall have power by common consent to appoint a prominent person of the locality as 3rd Trustee.

4. That the subject institution was maintained till 1975 as per the scheme above from the income of landed properties.

5. That late Rao Sheb Kamisetty Venkatesam Chetty was the First Founder Trustee to the subject institution and later the following are acted as hereditary trustee cum secretary to the subject institution.

i. Late Sri Kamisetty Venkata Subbalah Chetty S/o Venkatesam Chetty.

ii. Sri Kamisetty Lakshmi Narasimhulu S/o late Venkata Subbalah Chetty

iii. Sri Kamisetty Vijayakumar S/o late Venkata Subbalah Chetty

iv. Sri Kamisetty Srinivasulu S/o late Venkata Subbalah Chetty

6. That, after demise of K. Srinivasulu Chetty, the Deputy Commissioner, Endowments Department, Kurnool issued proceedings appointing the Executive Officer, Sri Veerabhadra Swamy Temple, Rayachoty, YSR Kadapa district as in-charge Executive Officer to the subject institution as stop gap arrangement till regular Founder Family Member cum Secretary to the subject institution is appointed by the competent authority.

7. That Dr. Jwala Chaitanya along with his representation enclosed no objection affidavits of other members of Founder Family, with request to recognize/appoint him as member of Founder Family and Secretary to the subject institution as successor of deceased F.F.M. and Secretary.

8. That one K.Venugopala Krishnaiah Chetty filed O.A.No.402/2013 before A.P. Endowments Tribunal against the Assistant Commissioner, YSR Kadapa and subject institution to declare him also as F.F.M. and the same is pending. But, the subject institution has filed O.A.No.15/2004 before the Deputy Commissioner, Endowments Department, Kurnool and re-numbered as O.A.No.822/2010 on the file of A.P. Endowments Tribunal for eviction of property of the subject institution being encroached.

Since, Sri K.Venugopala Krishnaiah Chetty occupied the property of subject institution comes under encroacher as defined U/s.83 and therefore his request deems disqualification as defined U/s.19 of the Act 30/1987. So, his candidature cannot be considered at this time.

V. K. Cooray

According to existing procedure/practice in vogue, the appointing authority for constitution of Trust Board to an institution is competent to recognize/appoint the member of founder family. In this case, the income of the subject institution is around Rs.22.00 Lakhs per annum, which is classified U/s.6(b)(i) of the Act, 30/1987 category for which, the Commissioner of Endowments Department is competent authority as per Sec. 17 of the Act, 30/1987.

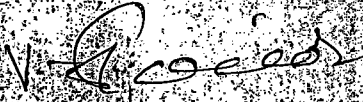
In the circumstances reported by the Assistant Commissioner, Endowments Department, YSR Kadapa District in the reference 2nd cited above and in view of the rule position narrated above and in due consideration of the representation made by Dr. Jwala Chaitanya in the reference 1st cited supra, the under signed hereby recognized/appointed Dr. Jwala Chaitanya, S/o. Kamisetty Jwala Narasimhulu as member of Founder Family and Secretary to Sri Yadalla Pitchaiah Chetty Charities Association, Kadapa Town U/s.17 of the Act 30/1987 and permitted him to administer the day to day administration of subject institution as the Government gave exemption under sections 15 & 29 of the Act 30/1987 to all institutions maintained by Arya Vysya Community vide G.Os.No.1098, Revenue (Endowments-I) Department, Dated 11.09.2008 by deleting the Executive Officer, Sri Veerabhadra Swamy Temple, Rayachoty, YSR Kadapa District, who is appointed as in-charge Executive Officer to the subject institution by the Deputy Commissioner, Endowments Department, Kurnool vide Rc.No.A2/6402/2020-1/E.O's, Estt., dated 23.09.2020

The Deputy Commissioner, Endowments Department, Kurnool shall take necessary action accordingly to take Oath of office and Secrecy from Dr. Jwala Chaitanya as provided under the provisions of the Act 30/1987 and record the same.

The Assistant Commissioner, Endowments Department, YSR Kadapa, is instructed to make an entry to that effect in the property register of the subject institution U/s.43 of the Act.

Dr. Jwala Chaitanya, who is recognized/appointed as member of Founder Family and Secretary to Sri Yadalla Pitchaiah Chetty Charities Association, Kadapa Town, YSR Kadapa District is requested to make all correspondence to the concerned Endowments Officers in respect of day to day administration and management of the subject institution as per the provisions of the Act 30/1987.

Padala Arjuna Rao I A S
Special Commissioner



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To

1. The Deputy Commissioner, Endowments Department, Kurnool.
2. Copy to the Regional Joint Commissioner, Endowments Department, M.Z.II, Tirupati for information.
3. Copy to the Assistant Commissioner, Endowments Department, YSR Kadapa.
4. Copy to the Executive Officer (I/c), Sri Yadalla Pitchaiah Chetty Charities Association, Kadapa Town, YSR Kadapa District. (through SL No. 3)
5. Dr. Jwala Chaitanya, S/o. Kamisetty Jwala Naresimhulu, FFM and Secretary of YPC Charities Association, 19/790, Jumma Masjid Street, Kadapa Town, YSR Kadapa District. (through SL No. 1)
6. Copy to the Superintendent, E-Section in Head Office, Vijayawada.
7. Extra.

V. Rao

Signed by Padala Arjuna

Rao IAS

Date: 12-01-2021 00:53:33

Reason: Approved

EX.P2

18

Aadhaar no. issued: 18/11/2011



వేముల సిద్దయ్య
Vernula Siddaiah
పుట్టిన తేదీ/DOB: 01/06/1952
పురుషుడు/ MALE
Mobile: 9440846886

5523 0355 2090

నా ఆధార్, నా గుర్తింపు



భారత సర్కార్
Government of India

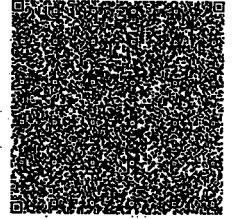


భారత ప్రత్యేక గుర్తింపు సంస్థ
Unique Identification Authority of India



చిరునామా:
సంబంధీతులు: వేముల సిద్దయ్య, 1/435-33 కీర్తి పార్క్
పూర్వ అపార్ట్మెంట్, ఫ్లాట్ నెం-403 రాజీవ్ పార్క్ రోడ్,
మారుతి నగర్, కడప, ఏ.ఎస్.ఆర్.
ఆంధ్ర ప్రదేశ్ - 516001

Address:
C/O: Vernula Siddaiah, 1/435-33 keerthi park
Rajeev Apartment, Flat no-403 Rajeev park
Road, Maruthi nagar, Kadapa, PO:
Cuddapah, DIST: Y. S. R,
Andhra Pradesh - 516001



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VID : 9101 5390 2758 5197

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help@uidai.gov.in

www.uidai.gov.in

V. Gracees

EDC-23

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- (16) 'hereditary trustee' means the trustee of a charitable or religious institution or endowment the succession to whose office devolves according to the rule of succession laid down by the founder or according to usage or custom applicable to the institution or endowment or according to the law of succession for the time being in force, as the case may be;
- (17) 'math' means a Hindu Religious institution presided over by a person, whose principal duty is to engage himself in the teaching and propagation of Hindu religion and philosophy or the teachings and philosophy of the denomination sect or sampradaya to which the math belongs and in imparting religious instruction and training and rendering spiritual service or who exercises or claims to exercise spiritual headship over a body of disciples; and includes any place or places of religious worship, instruction or training which are appurtenant to the institution;
- ¹[(17-a) "member" means the member of the Board or Committee.]
- (18) 'person having interest' includes -
- (a) in the case of math, a disciple of the math or a person of the religious persuasion to which the math belongs;
 - (b) in the case of 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 there at;
 - (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;

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- (19) 'prescribed' means the prescribed by rules made by the Government under this Act;
- (20) 'Regional Joint Commissioner' means the Regional Joint Commissioner appointed under sub-section (3) and includes every officer who for the time being exercises the powers and performs the functions of a Regional Joint Commissioner under this Act or the rule made thereunder in respect of any charitable or religious institution or endowment as specified in sub-section (5) of Section 3;
- (21) 'religious charity' means a public charity associated with a Hindu festival or observance or a religious character, whether connected with a religious institution or not;
- (22) 'religious endowments' means property (including movable property), and religious offerings whether in cash or kind, given or endowed for the support of a religious institution or given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity; and includes the institution concerned and also the premises thereof.

Explanation I:- All property which belonged to or was given or endowed for the support of a religious institution, or which was given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity shall be deemed to be a religious endowment within the meaning of this definition, notwithstanding that, whether before or after the commencement of this Act, the religious institution has ceased to exist or ceased to be used as a place of religious worship or instruction or the service or charity has ceased to be performed.

***Explanation II:-** Any Inam granted to an archaka, service-holder or other employee of a Religious Institution or the performance of any service or charity in connection with a religious institution shall not be deemed to be a personal gift to

* Explanation II to Sec. 2 (22) Stuck down as invalid and unconstitutional by Supreme Court in AIR 1996 S.C. 966 = 1996 (1) ALT 33 (SC).

Ex. 8b

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17. Procedure for making appointments of trustees and their term:-

- (1) In making the appointment of trustees under Section 15 the Government, the commissioner, the Deputy Commissioner or the Assistant Commissioner as the case may be, shall have due regard to the religious denomination or any such section thereof to which the institution belongs or the endowment is made and the wishes of the founder.

¹[Provided that the founder or one of the members of the family of the founder, if qualified as prescribed shall be appointed as one of the Trustees.

²[**Explanation I:-** 'Founder' means, -

- (a) In respect of Institution or Endowments existing at the commencement of this Act, the person who was recognized as Hereditary Trustee under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 or a Member of his family recognized by the Competent Authority;
- (b) In respect of an Institution or Endowment established after such commencement, the person who has founded such Institution or Endowment or a member of his family and recognized as such by the competent authority.]

Explanation II:- "Member of the family of the founder" means children, grand children and so in agnatic line of succession for the time being in force and declared or recognized as such by the relevant appointing authority.

Explanation III:- Those persons who founded temples by collecting donations partly or fully from the public as well as those who founded them on public lands shall not be recognized as founder trustees by any means.

1. Subs. by Act No.27 of 2002 (w.e.f. 26-08-2002).
2. Explanation I, subs. by Act 33 of 2007 (w.e.f. 03-01-2008). The original Explan. 1 read as follows -

"Explanation I:- "Founder" means a person who has founded an Institution or Endowment and recognized as such by the authority competent to appoint Trustees under Section 15."

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- (2) Every trustee appointed under Section 15 shall hold office for a term of ³[two year] from the date of taking oath of office and secrecy.

¹[Provided that every trustee who completed term of office of one year at the commencement of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendments) Act, 2000 shall cease to hold office forthwith and every trustee whose term of office exists after such commencement shall continue to hold office for a period of two years from the date of taking oath of office and secrecy.]

Explanation:- Where the oath of office and secrecy are administered on different dates, the period of 2[two] years shall be reckoned from the earlier of those dates for the purpose of this sub-section.

- (3) The procedure for calling for application for appointment of trustees, verification of antecedents and other matters shall be such as may be prescribed.

- (4) No person shall be a trustee in more than one Board of Trustees.

³[(5) In every Board of Trustees, there shall be at least one woman member and one member belonging to the Scheduled Castes or the Scheduled Tribes whose population is larger in the concerned village and one member belonging to Backward Classes.

Provided that it shall not be necessary to appoint -

- (a) a woman member where any person appointed to represent the Scheduled Castes or the Scheduled Tribes or the Backward Classes is a woman,

3. Subs. by Act 26 of 1990 (w.e.f. 21-01-1991), again subs. for words "two years as one year" by A.P. Act 27 of 1995 (w.e.f. 14-03-1995), again subs. by A.P. Act 29 of 2000 (w.e.f. 17-07-2001).
1. Ins. By A.P. Act 27 of 1995 (w.e.f. 14-03-1995, and subs. by A.P. Act 29 of 2000 (w.e.f. 17-07-2000).
2. Subs. by Act No.27 of 2002 (w.e.f. 26-08-2002).
3. Subs. by Act 26 of 1990 (w.e.f. 21-01-1991).

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- (b) a member of the Scheduled Castes or the Scheduled Tribes where any woman member appointed belongs to the Scheduled Castes or the Scheduled Tribes;
 - (c) a member of the Backward Classes where any woman member appointed belongs to the Backward Classes.]
- (6) All properties belonging to a charitable or religious institution or endowment, which on the date of commencement of this Act, are in the possession or under the superintendence of the Government, Zilla Praja Parishad, Municipality or other local authority or any company, society, organization. Institution or other person or any committee, superintendent or manager appointed by the Government, shall, on the date on which a Board of Trustees is or is deemed to have been constituted or trustee is or is deemed to have been appointed under this section, stand transferred to such Board of Trustees or trustee thereof, as the case may be and all assets vesting in the Government, local authority or person aforesaid and all liabilities subsisting against such Government, local authority or person on the said date shall, devolve on the institution or endowment, as the case may be.

COMMENTARY

The Amendment Act 33 of 2007 has introduced a drastic change giving meaning of the word "Founder". Explanation I to Section 17 (1) of the Principal Act, 1987 actually defined the word "Founder" to mean a person who has founded an institution or endowment and recognized as such by the authority competent to appoint trustees under Section 15. The meaning of the word "Founder" according to amended Explanation I under Section 17 (1) is "Founder means (a) in respect of institution or endowments existing at the commencement of this Act, the person who was recognized as hereditary trustee under 1966 Act or a member of his family recognized by competent authority; (b) in respect of an institution or endowments established after such commencement, the person who has founded such institution

Exp 5 24

86. Penalty for offences in connection with encroachment:-

- (1) Any person who, on or after the commencement of this Act continues to be in occupation, otherwise than by a lawful possession of a land belonging to a charitable or religious institution or endowment shall be guilty of an offence under this Act.
- (2) Whoever contravenes the provisions of sub-section (1), shall on conviction be punished with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which may extend to five thousand rupees.
- (3) No Court shall take cognizance of an offence punishable under sub-section (2) except on the complaint in writing of the Commissioner.
- (4) No offence punishable under sub-section (2), shall be inquired into or tried by any court inferior to that of a Magistrate of the First Class.

Sec. 86 deals with penalty for offences in connection with encroachment and this is a new provision.

CHAPTER -- XII

ENQUIRIES

1[87. Power of Endowments Tribunal to decide certain disputes and matters:-

- (1) The Endowments Tribunal having jurisdiction shall have the power, after giving notice in the prescribed manner to the person concerned, to enquire into and decide any dispute as to the question.

1. Sec. 87 subs. by Act 33 of 2007 (w.e.f. 03-01-2008). The original Sec. 87 read as follows -

"87. Power of Deputy Commissioner to decide certain disputes and matters:-

- (1) The Deputy Commissioner having jurisdiction shall have the power, after giving notice in the prescribed manner to the person concerned, to enquire into and decide any dispute as to the question -

- (a) whether an institution or endowment is a charitable institution or endowment;

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- (a) whether an institution or endowment is a charitable institution or endowment;
-
- (b) whether an institution or endowment is a religious institution or endowment;
- (c) whether any property is an endowment, if so whether it is a charitable endowment or a religious endowment;
- (d) whether any property is a specific endowment;
- (e) whether any person is entitled by custom or otherwise to any honour, emoluments or perquisites in any charitable or religious institution or endowment and what the established usage of such institution or endowment is in regard to any other matter;
- (f) whether any institution or endowment is wholly or partly of a secular or religious character and whether any property is given wholly or partly for secular or religious uses; or
- (g) where any property or money has been given for the support of an institution or endowment which is partly of a secular character and partly of a religious character or the performance of any service or charity connected with such institution or endowment or the performance of a charity which is partly of a secular character and partly of a religious character or where any property or money given is appropriated partly to secular uses and partly to religious uses, as to what portion of such property or money shall be allocated to secular or religious uses;
- (h) whether a person is a founder or a member from the family of the founder of an Institution or Endowment.]
- (2) The Commissioner may, pending his decision under sub-sec. (1), pass such order as he deems fit for the administration of the property or custody of the money belonging to the institution or endowment.
- (3) Every decision or order of the Deputy Commissioner on confirmation by the Commissioner under this section shall be published in the prescribed manner.
- (4) The Deputy Commissioner may while recording his decision under sub-section (1) and pending implementation of such decision, pass such interim order as he may deem fit for safeguarding the interests of the institution or endowment and for preventing damage to or loss of or misappropriation or criminal breach of trust in respect of the properties or moneys belonging to or in the possession of the institution or endowment.
- (5) Any decision or order of the Deputy Commissioner deciding whether an institution or endowment is not a public institution or endowment shall not take effect unless such decision or order is confirmed by an order of the Commissioner.
- (6) The presumption in respect of matters covered by clauses (a), (b), (c), (d) and (e) in sub-sec. (1) is that the institution or the endowment is public one and that the burden of proof in all such cases shall lie on the person claiming the institution or the endowment to be private or the property or money to be other than that of a religious endowment or specific endowment as the case may be."

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- (b) whether an institution or endowment is a religious institution or endowment;
 - (c) whether any property is an endowment, if so whether it is a charitable endowment or a religious endowment;
 - (d) whether any property is a specific endowment;
 - (e) whether any person is entitled by custom or otherwise to any honor, emoluments or perquisites in any charitable or religious institution or endowment and what the established usage of such institution or endowment is in regard to any other matter;
 - (f) whether any institution or endowment is wholly or partly of a secular or religious character and whether any property is given wholly or partly for secular or religious uses; or
 - (g) where any property or money has been given for the support of an institution or endowment which is partly of a secular character and partly of a religious character or the performance of any service or charity connected with such institution or endowment or the performance of a charity which is partly of a secular character and partly of a religious character or where any property or money given is appropriated partly to secular uses and partly to religious uses, as to what portion of such property or money shall be allocated to secular or religious uses;
 - (h) whether a person is a founder or a member from the family of the founder of an Institution or Endowment.
- (2) The Endowments Tribunal may, pending its decision under sub-section (1), pass such order as it deems fit for the administration of the property or custody of the money belonging to the institution or endowment.

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- (3) The Endowments Tribunal may while recording its decision under sub-section (1) and pending implementation of such decision, pass such interim order as it may deem fit for safeguarding the interest of the institution or endowment and for preventing damage to or loss or misappropriation or criminal breach of trust in respect of the properties or moneys belonging to or in the possession of the institution or endowment.
- (4) The presumption in respect of matters covered by Clauses (a), (b), (c), (d) and (e) in sub-section (1) is that the institution or the endowment is a public one and that the burden of proof in all such cases shall lie on the person claiming the institution or the endowment to be private or the property or money to be other than that of a religious endowment or specific endowment, as the case may be.
- (5) Notwithstanding anything contained in the above sub-sections the Deputy Commissioner having jurisdiction shall continue to enquire into and decide the disputes referred to in sub-section (1) until the constitution of the Endowments Tribunal.]

COMMENTARY

Section 87 empowers the Endowments Tribunal having jurisdiction, to decide certain disputes and matters. Earlier, before Act 33 of 2007 came into force on 03-01-2008, the Deputy Commissioner had jurisdiction. The disputes and matters to be decided by the Endowments Tribunal are mentioned in items (a) to (h) of the Section. Pending the disposal, the Endowment Tribunal is also empowered to pass such order as it deems fit for administration of the property or custody of money belonging to the institution, in the interest of the institution.

Section 87 (5) is newly added by the Amendment Act 33 of 2007, where under, the Deputy Commissioner having jurisdiction is made to continue to enquire into and decide the disputes until the Constitution of Endowments Tribunal.

It is understandable as to why the Deputy Commissioner who was earlier exercising the powers under

MEMORANDUM OF WRIT MISCELLANEOUS PETITION
(Under Section 151 of C.P.C.)
IN THE HIGH COURT OF ANDHRA PRADESH :: AT AMARAVATHI

I.A.No. of 2025
In
W.P.No. of 2025

BETWEEN:-

V. Siddaiah,
S/o. V.Siddaiah, Hindu,
Aged about 73 years, Occ: Retd. Employee,
R/o. D.No.1/435-33, Keerthi Apartments,
Maruthi Nagar, YSR Kadapa District.

.....Petitioner.

AND

1. The State of Andhra Pradesh,
Rep. by it's The Principal Secretary,
Revenue (Endowment), Department,
Velagapudi, Amaravati, Guntur District.
2. The Commissioner of Endowments Department of Andhra Pradesh,
Gollapudi, Vijayawada, NTR District.
3. The Special Commissioner,
Endowments Department,
Gollapudi, Vijayawada
4. The Deputy Commissioner,
Endowments Department,
Kurnool, Kurnool District.
5. The Assistant Commissioner,
Endowments Department, Kadapa,
YSR Kadapa District.
6. Sri Yadalla Pitchaiah Setty Charities Association,
Rep. by its founder family member
Sri Kamisetty Jwala Chaitanya,
S/o. Kamisetty Jwala Narasimhulu
R/o. D.No.3-6-750-6, 1st Floor,
Opp. Karur Vysya Bank,
Near Narayanaguda Fly Over, Himayath Nagar,
Hyderabad-500029, Telangana.

...Respondents.



Place : Amaravathi,
Date : 16-03-2025

Shah Meowahi
Counsel for the Petitioner.

G.P.

YSR KADAPA DISTRICT

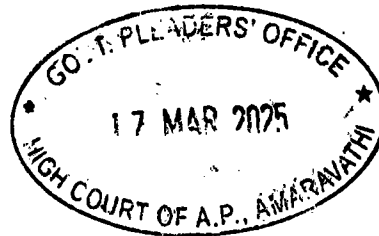
HIGH COURT OF ANDHRA PRADESH ::
AT AMARAVATHI.

I.A.No. of 2025

In

W.P.No. of 2025

Enalty-

DIRECTION PETITION

Filed on : 17-03-2025

Filed by :

Mr. Shaik Meeravali (12360)
Maheswari Arika (21407)
Counsel for the Petitioners.
Cell No. 9704043052.

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