

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P. No.

of 2025

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Place : Amaravati,
Date: 17.03.2025

D.V.S
COUNSEL FOR THE PETITIONER

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

W.P. No. of 2025

Between:

A.Durga Prasad, S/o. Surya Rao,
Age 64 Years, Hereditary Archaka,
Sri Nilamani Durga Ammavaru Temple,
Patapatnam, Srikakulam District

...Petitioner

AND

1. The State of Andhra Pradesh,
Revenue (Endowments) Department,
Rep. by its Principal Secretary,
Office at Velgapudi, secretariat Buildings,
Amaravathi, Guntur District.
2. The Commissioner Endowments Department,
Government of Andhra Pradesh
Office at Gollapudi, Vijayawada,
Krishna District.
3. The Regional Joint Commissioner
Endowments Department,
Rajamahendravaram.
4. The Deputy Commissioner,
Endowments Department,
Visakhapatnam
5. The District Endowment Officer,
Srikakulam, Srikakulam District
6. Sri Nilamani Durga Ammavaru Temple,
Patapatnam, Srikakulam District.
Rep. By its Executive Officer

...Respondents

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

(4)

For the reasons stated in the accompanying affidavit filed in the support of the above writ petition, Hence In view of the facts and circumstances as stated above It is therefore 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, Declaring the action of the 4th respondent in issuing proceedings in Rc. No. A2/202276/2025-1 dated 05.02.2025, rejecting to include the name of the petitioner in Sec. 43 (10) register as hereditary archaka of 6th respondent temple as bad, illegal, arbitrary, without application of mind, unreasoned, violative of Article 14, 16, 21 & 25 of Constitution of India and consequentially set aside the same and direct the respondents conduct the enquiry and enter the name of the petitioner as hereditary archaka in Sec. 43 (10) register and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Amaravati

Date: 17.03.2025

D.V.S.
COUNSEL FOR THE PETITIONER

DISTRICT :: Srikakulam

IN THE HIGH COURT OF
ANDHRA PRADESH AT
AMARAVATI

W.P. No. of 2025

WRIT PETITION

Filed on:

Filed by:

CF-1001

B-1801

V-250

CC-151

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

RI. TO RS. GP for Endowment
SC for Chintapalle. Srinivas
Associate

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P. No. of 2025

Between:

A.Durga Prasad

... petitioner

AND

The State of Andhra Pradesh & others

... Respondents

CHRONOLOGICAL EVENTS
ANNEXURE – I

Sl. No.	Date	Description of Document	Page No	Para No
01.	05.02.2025	The present writ petition is filed challenging the action of the 4 th respondent in issuing proceedings in Rc. No. A2/202276/2025-1 dated 05.02.2025, rejecting to include the name of the petitioner in Sec. 43 (10) register as hereditary archaka of 6 th respondent temple as bad, illegal, arbitrary, without application of mind, unreasoned, violative of Article 14, 16, 21 & 25 of Constitution of India.	9	2
02.	NIL	I submit that, the my grandfather has 4 sons and their names are entered in the section 38 register as archakas namely i. Anumanchipalli Ganapathi Rao ii. Anumanchipalli Surya Rao (petitioner father) iii. Anumanchipalli Tarakeswara Rao iv. Anumanchipalli Chandra Bushan Rao.	9	4
03.	05.09.2022 & 15.09.2022	I submit that, while matters stood thus, for the first time, the Executive Officer of the temple has issued auction notification dated 05-09-2022 for conducting the auction for the licensehold rights of the collection of the coconut halves, Sarees offered	10	6

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		to the deity and Rakshas (sacred threads) on 15-09-2022. I have filed WP No. 29724/2022 challenging the same and interim orders were granted and WP is pending.	10	6
04.	29.11.2021	I submit that, it is a fact that temple is published U/Sec. 6(b) on 29.11.2021, earlier the temple was registered U/Sec. 38 & 43 of Act 30/87. In fact in Sec. 38 register of Act 1966 my father name Anumanchipalli Suryarao is recorded as Archaka of the temple. Once my father is working as per Act 1966 being his legal heirs, I come under the purview of Sec. 34 (3) of Act 30/87 and we are hereditary archakas of the subject temple which has to be recognized by competent authority by entering name in the Sec.43 (10) register.	10	8
05.	05.02.2025	I submit that, the 5 th respondent instead of forwarding report to the 3 rd respondent has passed the impugned orders dated 05.02.2025 rejecting the claim only on the ground that WP No. 29724/2022 is pending. In fact the said WP is no way concerned with entering my name in Sec. 43 (10) register.	11	10
06.	NIL	I submit that, as per GOMs No. 439 my name has to be entered in Sec. 43 (10) register as hereditary archaka. Instead of applying mind, whether I am hereditary archaka or not the 5 th respondent on a vague ground negated my claim, hence the same has to be set aside and my name has to be enter in the Sec. 43 (10) register. In support of my claim have submitted the following documents: i. Copy of Sec. 43 & 38 registers ii. Copy of my father death certificate iii. Copy of legal heir certificate iv. Copy of self-affidavit v. Copy of judgment in AS No. 09/1990	11/12	12

(8)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P. No. of 2025

Between:

A.Durga Prasad, S/o. Surya Rao,
Age 64 Years, Hereditary Archaka,
Sri-Nilamani Durga Ammavaru Temple,
Patapatnam, Srikakulam District

...Petitioner

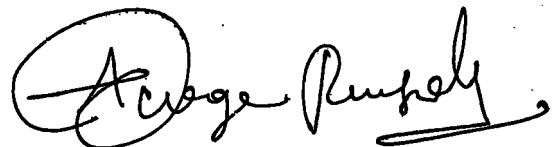
AND

1. The State of Andhra Pradesh,
Revenue (Endowments) Department,
Rep. by its Principal Secretary,
Office at Velgapudi, secretariat Buildings,
Amaravathi, Guntur District.
2. The Commissioner Endowments Department,
Government of Andhra Pradesh
Office at Gollapudi, Vijayawda,
Krishna District.
3. The Regional Joint Commissioner,
Endowments Department,
Rajamahendravaram.
4. The Deputy Commissioner,
Endowments Department,
Visakhapatnam
5. The District Endowment Officer,
Srikakulam, Srikakulam District
6. Sri Nilamani Durga Ammavaru Temple,
Patapatnam, Srikakulam District.
Rep. By its Executive Officer

...Respondents

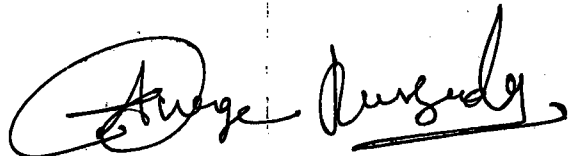
AFFIDAVIT FILED BY THE PETITIONER

I, A.Durga Prasad, S/o. Surya Rao, age 64 Years, Hereditary Archaka, Sri Nilamani Durga Ammavaru Temple, Patapatnam, Srikakulam District now having temporarily come down to Vijayawada, do hereby solemnly affirm and state on oath as follows:



1. I am the petitioner herein as such I am well acquainted with the facts of the case.
2. The present writ petition is filed challenging the action of the 4th respondent in issuing proceedings in Rc. No. A2/202276/2025-1 dated 05.02.2025, rejecting to include the name of the petitioner in Sec. 43 (10) register as hereditary archaka of 6th respondent temple as bad, illegal, arbitrary, without application of mind, unreasoned, violative of Article 14, 16, 21 & 25 of Constitution of India.
3. I submit that, I am the hereditary archaka of the 3rd respondent temple. Initially my grandfather Sri Anumanchipalli Adi Narayana was the hereditary archaka of the 3rd respondent temple and he performed the archakatvam in the temple and used to collect the coconut halves, Sarees offered to the deity and used to sell the Rakshas in the temple and he was the hereditary archaka performing archakatvam.
4. I submit that, the my grandfather has 4 sons and their names are entered in the section 38 register as archakas namely
 - i. Anumanchipalli Ganapathi Rao
 - ii. Anumanchipalli Surya Rao (petitioner father)
 - iii. Anumanchipalli Tarakeswara Rao
 - iv. Anumanchipalli Chandra Bushan Rao.
5. I submit that, all the 4 sons have expired and during their life time they have performed hereditary archakatvam taking coconut halves, Sarees offered to the deity and by selling the Rakshas. Further after the death of the above persons their sons including me are rendering hereditary archakatvam as on today by collecting coconut halves, Sarees offered to the deity and by selling the Rakshas on rotation basis and no other perks or salaries are paid to us from the temple as

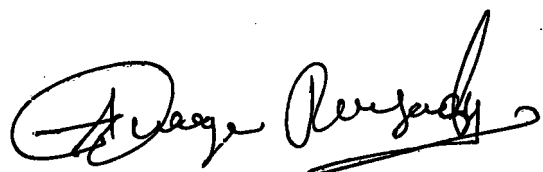




the same is our customary practice prevailing since times immemorial.

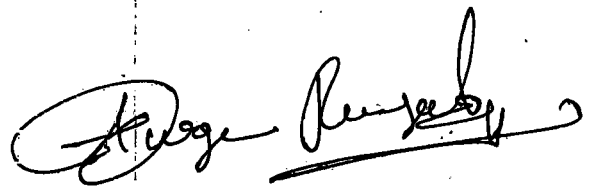
6. I submit that, while matters stood thus, for the first time, the Executive Officer of the temple has issued auction notification dated 05-09-2022 for conducting the auction for the licensehold rights of the collection of the coconut halves, Sarees offered to the deity and Rakshas (sacred threads) on 15-09-2022. I have filed WP No. 29724/2022 challenging the same and interim orders were granted and WP is pending.
7. It is further submitted that, our hereditary archaka families are rendering archakatvam and they are entitled to be continued in archakatvam as per the provisions of the section 34(3) and 144 of Act 30/87. I further submit that, the we are not paid any salary and no such thing is fixed till date in terms of the judgment rendered by the Hon'ble Supreme Court in A.S.Narayana Deekshithulu's case (AIR 1996 SC 1765) and as per G.O.Ms.No.439 dated 21-10-2019. Hence we are entitled to continue with the holding of the coconut halves, saress and sale of rakshas and my name should be entered in Sec. 43 (10) register as hereditary archakas.
8. I submit that, it is a fact that temple is published U/Sec. 6(b) on 29.11.2021, earlier the temple was registered U/Sec. 38 & 43 of Act 30/87. In fact in Sec. 38 register of Act 1966 my father name Anumanchipalli Suryarao is recorded as Archaka of the temple. Once my father is working as per Act 1966 being his legal heirs, I come under the purview of Sec. 34 (3) of Act 30/87 and we are hereditary archakas of the subject temple which has to be recognized by competent authority by entering name in the Sec.43 (10) register.
9. I submit that, I have submitted applications 10.06.2021, 14.11.2021 and on 07.12.2023 (vide E. No. 8255516/2023 dated 11.12.2023) to

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the respondents herein to enter my name in Sec. 43 (10) register as hereditary archaka as per GOMs No. 439 dated 21.10.2019. Thereafter I have again submitted representation in Spandana basing on the same the EO has forwarded a letter to 5th respondent on 31.01.2025, informing that I have filed WP No. 29724/2022 challenging the auction of coconut halves, sale of Rakshas etc., and the same is pending and if the 3rd respondent passes orders my name may be entered in Sec. 43 (10) register.

10. I submit that, the 5th respondent instead of forwarding report to the 3rd respondent has passed the impugned orders dated 05.02.2025 rejecting the claim only on the ground that WP No. 29724/2022 is pending. In fact the said WP is no way concerned with entering my name in Sec. 43 (10) register.
11. I submit that, my father filed OS No. 5C/1933 before the District Munsif Court, Patapatnam against the Executive Officer and others seeking permanent injunction and the same was dismissed, challenging the same we preferred AS No. 39/1990 and the same was allowed declared us as hereditary archakas and we are entitle for permanent injunction. Further SA 655/1993 was preferred against the AS and the same was dismissed on 20.01.2004.
12. I submit that, as per GOMs No. 439 my name has to be entered in Sec. 43 (10) register as hereditary archaka. Instead of applying mind, whether I am hereditary archaka or not the 5th respondent on a vague ground negated my claim, hence the same has to be set aside and my name has to be enter in the Sec. 43 (10) register. In support of my claim have submitted the following documents:
 - i. Copy of Sec. 43 & 38 registers
 - ii. Copy of my father death certificate
 - iii. Copy of legal heir certificate

- iv. Copy of self-affidavit
- v. Copy of judgment in AS No. 09/1990
- vi. Copy of judgment in SA No. 655/1993
- vii. Copy of family tree
- viii. Copy of photographs

13. I submit that, without verifying above documents and without affording opportunity the impugned orders are passed and such they are liable to be set aside.
14. I submit that the petitioner has no other alternative and efficacious remedy except to approach this Hon'ble Court under Article 226 of constitution of India.
15. I submit that the petitioner has not filed any suit, application or petitions before any court of law and we have not sought for any similar relief.

For the reasons stated above, 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, Declaring the action of the 4th respondent in issuing proceedings in Rc. No. A2/202276/2025-1 dated 05.02.2025, rejecting to include the name of the petitioner in Sec. 43 (10) register as hereditary archaka of 6th respondent temple as bad, illegal, arbitrary, without application of mind, unreasoned, violative of Article 14, 16, 21 & 25 of Constitution of India and consequentially set aside the same and direct the respondents conduct the enquiry and enter the name of the petitioner as hereditary archaka in Sec. 43 (10) register and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.




9.

(13)

Pending disposal of the writ petition it is prayed that this Hon'ble Court may be pleased to direct the 2nd respondent to consider the petitioner's representation dated 07.12.2023 without reference to pending WP No. 29724/2022 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed and signed
before me on this the 17th day
of March 2025 at Amaravathi.


Deponent


ADVOCATE :: Amaravathi

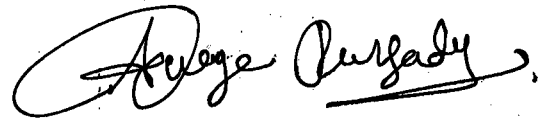
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VERIFICATION

I, A.Durga Prasad, S/o. Surya Rac, Age 64 Years, Hereditary Archaka, Sri Nilamani Durga Ammavaru Temple, Patapatnam, Srikakulam District now having temporarily come down to Vijayawada, being petitioner/person acquainted with the facts do hereby verify and state that the contents of paras of the affidavit filed in support of the Writ Petition are true to my personal knowledge, belief and are based on legal advice believed to be correct. Hence verified on this the 17th day of March, 2025 at Amaravathi.

D.V.S.

Counsel for the Petitioner


Deponent

RPAD:

సహాయ కమీషనర్ వారి కార్యాలయం,

దేవాదాయ శాఖ, శ్రీకాకుళం.

ఆర్.సి.నెం. ఏ2/202276/2025-1, తేదీ. 05.02.2025.

To:

శ్రీమతి A.రేష్మ,

W/o.దుర్గా ప్రసాద్,

పాతపట్నం గ్రామం & మండలం,

శ్రీకాకుళం జిల్లా.

విషయం :- దేవాదాయ శాఖ - శ్రీకాకుళం జిల్లా - పాతపట్నం గ్రామం & మండలం,

శ్రీ నీలమణి దుర్గ అమ్మవారి ఆలయం - సెక్షన్-43(10) ప్రాప్త రిజిస్టర్ లో -

తన భర్త శ్రీ అనుమంచిపల్లి దుర్గా ప్రసాద్ వారి పేరును నమోదు చేయమని కోరుతూ

- శ్రీమతి A.రేష్మ, పాతపట్నం గ్రామం & మండలం వారు "మీ కోసం" PGRSలో

తేదీ.27.01.2025న ఫిర్యాదు చేస్తు చేసిన అర్జీ - గురించి.

సూచిక: 1. శ్రీమతి A.రేష్మ, పాతపట్నం గ్రామం & మండలం వారు "మీ కోసం" లో ఫిర్యాదు చేసిన PGRS అర్జీ నెం. SKL 202501271788, తేదీ 27.01.2025.

2. రేఖా నెం: 53/2025, తేదీ :31.01.2025, కార్యనిర్వహణాధికారి. శ్రీ నీలమణి దుర్గ అమ్మవారి ఆలయం, పాతపట్నం గ్రామం & మండలం, వారి నుండి.

గిరిగిరి

ఇందుమూలముగా పై చిరునామా దారునికి తెలియ చేయునది ఏమనగా, మీరు శ్రీకాకుళం జిల్లా, పాతపట్నం గ్రామం & మండలం లో వేంచేసి యున్న శ్రీ నీలమణి దుర్గ అమ్మవారి ఆలయం నకు సంబంధించి సెక్షన్-43(10) ప్రాప్త రిజిస్టర్ లో మీ భర్త శ్రీ అనుమంచిపల్లి దుర్గా ప్రసాద్ వారి పేరును (వంశ పారంపర్య అర్హకునిగా) నమోదు చేయమని కోరుతూ పై సూచికలో "మీ కోసం" PGRSలో తేదీ.27.01.2025న చేసిన ఫిర్యాదు/అర్జీ పై క్రింది విధముగా తెలియ చేయడ మైనది.

మీ యొక్క అర్జీలోని అంశముపై సదరు దేవస్థానం కార్యనిర్వహణాధికారి వారు సమర్పించిన నివేదిక ప్రకారం, మీరు సెక్షన్-43(10) ప్రాప్త రిజిస్టర్ లో నమోదు చేయమనికోరిన వ్యక్తి అనగా శ్రీ అనుమంచిపల్లి దుర్గా ప్రసాద్, తనను వంశ పారంపర్య అర్హకునిగా ప్రకటించమని కోరుతూ గౌ.ఆంధ్ర ప్రదేశ్ హైకోర్ట్ నందు W.P.No.29724/2022 వ్యాజ్యము దాఖలు చేసియున్నారనియు, ప్రస్తుతం సదరు కేసు

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పెండింగ్ లో ఉన్నదనియు, మరియు వంశ పారంపర్య అర్హకునిగా నమోదు చేయుటకు గతంలో శ్రీ అనుమంచిపల్లి దుర్గా ప్రసాద్ గారు చేసిన దరఖాస్తును శ్రీయుత ప్రాంతీయ సంయుక్త కమిషనర్, దేవాదాయ శాఖ, రాజ మహేంద్రవరం వారు తిరస్కరిస్తూ R.Dis.No.A3/449262/2022, తేదీ:10.07.2023 లలో ఉత్తర్వులు జారీ చేసినట్లు, కావున సదరు PGRS అర్జీ పై ఎటువంటి చర్యలు తీసుకొనుటకు అవకాశం లేదనియు సదరు కార్యనిర్వహణాధికారి వారు పై (2)వ సూచికలో నివేదించియున్నారు (కాపీ జత పర్చడమైనది).

కావున మీకు తెలియ జేయునది ఏమనగా, PGRS అర్జీలో మీరు కోరిన విషయమై, గౌ.ఆంధ్ర ప్రదేశ్ హైకోర్ట్ నందు W.P.No.29724/2022 కేసు పెండింగ్లో వున్నందున, ఎటువంటి చర్యలు తీసుకొనుటకు అవకాశం లేదనియు కార్యనిర్వహణాధికారివారు నివేదించియున్నారు. కావున సదరు విషయం మీకు తెలియ చేయడమైనది.

సహాయ కమిషనర్.

22/7/23

ఇందలి నకలు శ్రీయుత జిల్లా కలెక్టర్, శ్రీకాకుళం వారికి సమాచారం నిమిత్తం సమర్పించడమైనది.

//TRANSLATION//

Office of the Assistant Commissioner,
Endowments Department, Srikakulam

Rc.No. A2/202276/2025-1, Date: 05.02.2025

To:

Smt. A. Reshma,
W/o Durga Prasad,
Patapatnam Village & Mandal,
Srikakulam District.

Subject: Endowments Department - Srikakulam District, Patapatnam Village & Mandal - Sri Neelamani Durga Ammavari Temple - Request by Smt. A. Reshma for registering her husband Sri Anumanchipalli Durga Prasad's name in the Section-43(10) Property Register - Petition filed in "Mee Kosam" PGRS on 27.01.2025 - Regarding.

References:

1. Petition filed by Smt. A. Reshma in "Mee Kosam" PGRS, Ref. No. SKL 202501271788, Date: 27.01.2025.
2. Letter No. 53/2025, Date: 31.01.2025, from the Executive Officer, Sri Neelamani Durga Ammavari Temple, Patapatnam Village & Mandal.

It is hereby informed that you have submitted a petition in "Mee Kosam" PGRS on 27.01.2025, requesting the inclusion of your husband, Sri Anumanchipalli Durga Prasad, in the Section-43(10) Property Register of Sri Neelamani Durga Ammavari Temple, Patapatnam, as a hereditary archaka (priest).

As per the report submitted by the Executive Officer of the said temple, your husband, Sri Anumanchipalli Durga Prasad, has already filed W.P.No.29724/2022 in the Hon'ble Andhra Pradesh High Court, seeking recognition as a hereditary archaka. The case is currently pending before the court. Additionally, his previous application for hereditary archaka status was rejected by the Regional Joint Commissioner, Endowments Department, Rajamahendravaram, through Order No. R.Dis.No.A3/449262/2022, dated 10.07.2023.

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Therefore, as per the report referenced above (Reference 2), no action can be taken on your PGRS petition. A copy of the report is enclosed for your reference.

You are hereby informed that since W.P.No.29724/2022 is pending in the Hon'ble Andhra Pradesh High Court, no further action can be taken on the matter as per the Executive Officer's report.

Sd/xx
Assistant Commissioner

Copy to:

The District Collector, Srikakulam, for information.

2

శ్రీ నీలమణిదుర్గ అమ్మవారి దేవస్థానం

దేవదాయ ధర్మదాయ కాఖ
పాఠపట్నం - శ్రీకాకుళం జిల్లా

Ir.No.53/2025, Dt.31-01-2025

శ్రీ సహాయ కమీషనరు వారు,

దేవదాయ ధర్మదాయ కాఖ

శ్రీకాకుళం

అయ్యా:-

విషయము : దేవదాయ ధర్మదాయ కాఖ, శ్రీకాకుళం జిల్లా, పాఠపట్నం - శ్రీ నీలమణిదుర్గ
అమ్మవారి దేవస్థానము-PGRS నందు క్రమితి ఎ. రెవ్వు ధరఖాస్తునకు సంబంధించి
సరిష్కార నివేదిక సమర్పితము.

సూచిక : Rc.No.A2/202276/2025, Dt.27-01-2025 శ్రీ సహాయ కమీషనరు,

దేవదాయ కాఖ, శ్రీకాకుళం.

....

ఈమకు మనవి చేయునది ఏమనగా శ్రీకాకుళం జిల్లా, పాఠపట్నం - శ్రీ నీలమణిదుర్గ
అమ్మవారి దేవస్థానము 6(a)II గా పబ్లికేషన్ కాబడి శ్రీ ప్రాంతీయ సంయుక్త కమీషనరు, దేవదాయ కాఖ,
రాజమహేంద్రవరం వారి పరిపాలన పరిధిలో ఉన్నది. దేవస్థానము 1974 వ సంవత్సరములో రిజిస్ట్రేషన్
కాబడినది ప్రస్తుతము శ్రీ ప్రాంతీయ సంయుక్త కమీషనరు వారి ఉత్తర్వులు మేరకు 14 మంది వంశపారంపర్య
అర్హులుగా రిటేషన్ పద్ధతిలో పని చేయుచున్నారు, ఏర్పాదు వారు భర్త అయిన అనుమించిపల్లి దొర్ల
ప్రసాద్ కూడా వంశపారంపర్య అర్హక ఉత్తర్వుల కొరకు గతములో 2,3 సార్లు శ్రీ ప్రాంతీయ సంయుక్త
కమీషనరు వారికి ధరఖాస్తు చేయగా ఒక సారి వారు R.Dis.No.A3/449262/2022, Dt.10-07-2023,
ప్రకారము తిరస్కరించియున్నారు, తరువాత ధరఖాస్తు చేయగా అతను దేవస్థానము నందు లైసెన్సు టైప్స్
కొరకు బహిరంగ వెలం ప్రకటన చేసినందున తాను వంశపారంపర్య అర్హుడునని గౌరవ ఆంధ్రప్రదేశ్ హై కోర్టు
నందు WP 29724/2022 వ్యాజ్యము దాఖలు చేసియున్నందున మరియు సదరు WP ప్రస్తుతము
పండింగ్ కారణముగా ఎటువంటి ఉత్తర్వులు వారు జరిచేయులేదు ప్రస్తుతము సదరు PGRS ధరఖాస్తు
సంబంధించి తే.30-01-2025దిన నోటీసు పంపుటకు ప్రయత్నించగా అమె నోటీసు తీసుకొనుటకు
నిరాకరించారు కాని తే.31-01-2025దిన దేవస్థానము కార్యాలయమునకు హాజరయినారు ఎలాగైనా తన
భర్తకు సెక్షన్ 43(10) నందు పేరు నమోదు కొరకు ప్రయత్నముచేయవలసినదిగా కోరయున్నారు. అందుకు

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శ్రీ ప్రాంతీయ సంయుక్త కమిషనరు, దేవదాయ శాఖ, రాజమహేంద్రవరం వారు ఉత్తర్వులు మంజూరు చేసినచో నెక్స్ట్ 43(10) నందు పేరు నమోదు చేయుట జరుగును, అని తమకు తెలియపరచుకొనుచు ఈ నివేదిక తమకు పంపుకొనుచున్నాను. ఇందులో గతములో నెక్స్ట్ 43(10) తిరస్కరణ ఉత్తర్వు, WP పిండింగ్ స్టేటస్ నకలు తమ పరిశీలనార్థము పంపుకొనుచున్నాను.

తమ విశ్వసనీయుడు

శ్రీమతి. పి. సీతమ్మ
Executive Officer

Sri Neelamani Durga Ammavari Temple
Pathapatnam (V&M), Srikakulam Dist

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(20)

//TRANSLATION//

Sri Neelamani Durga Ammavari Temple
Endowments Department
Patapatnam – Srikakulam District

Lr.No.53/2025, Dt.31-01-2025

To,
The Assistant Commissioner,
Endowments Department,
Srikakulam.

Respected Sir,

Subject: Endowments Department – Srikakulam District, Patapatnam
Sri Neelamani Durga Ammavari Temple – Submission of resolution
report regarding the petition filed by Smt. A. Reshma in PGRS.

Reference: Rc.No.A2/202276/2025, Dt.27-01-2025, Endowments
Department, Srikakulam.

We submit that the Sri Neelamani Durga Ammavari Temple, Patapatnam, Srikakulam District, has been classified as 6(a)II and falls under the administrative jurisdiction of the Regional Joint Commissioner, Endowments Department, Rajamahendravaram. The temple was registered in the year 1974, and as per the orders of the Regional Joint Commissioner, 14 hereditary archakas (priests) are currently performing duties on a rotational basis. The petitioner's husband, Sri Anumanchipalli Durga Prasad, has previously applied two to three times to be recognized as a hereditary archaka. However, his application was rejected through Order No. R.Dis.No.A3/449262/2022, Dt.10-07-2023 by the Regional Joint Commissioner. Subsequently, he submitted another application, but since he had participated in an open auction for temple license rights, he filed W.P.No.29724/2022 in the Hon'ble Andhra Pradesh High Court, claiming hereditary rights. This case is currently pending before the court, and no further orders have been issued regarding his claim. Regarding the present PGRS petition, a notice was sent on 30-01-2025, but the petitioner refused to accept it. However, on 31-01-

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2025, she personally visited the temple office and insisted on including her husband's name under Section 43(10) Property Register. As informed, such registration can only be done if the Regional Joint Commissioner. Endowments Department, Rajamahendravaram, grants approval. Therefore, we are forwarding this report along with copies of the previous Section 43(10) rejection order and the pending W.P. status for your kind perusal.

Yours Sincerely,

Sd/-xx

Executive Officer

Sri Neelamani Durga Ammavari Temple,
Patapatnam, Srikakulam District.

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ENO 8255516/2023

DT- 4/12/2023

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Section

APPLICATION SUBMITTED FOR DECLARATION AS
HEREDITARY ARCHAKA OF SRI NILAMANI DURGA
AMMAVARU TEMPLE, PATAPATNAM, SRIKKAKULAM
DISTRICT AS PER GOMs No. 439 DATED 21.10.2019

07.12.2023

To,

1. The Commissioner of Endowments,
Government of Andhra Pradesh,
Gollapudi, Vijayawada, NTR District
2. The Deputy Commissioner,
Endowment Department, Visakhapatnam.
3. The Assistant Commissioner,
Endowment Department, Srikakulam
4. The Executive Officer,
Sri Nilamani Durga Ammavaru Temple,
Patapatnam, Srikakulam District

Respected Sir's,

we submitted that, we the below signed are the hereditary archakas of Sri Nilamani Durga Ammavaru Temple, Patapatnam, Srikakulam District. Initially our forefathers have rendered hereditary archakatvam / asadiship and when the sec. 38 register is prepared dated 14.05.1974 my father name i.e. Anumanchipalli Suryarao is entered as hereditary archaka along with others at column No. 6 Further in Sec. 43 register dated 26.11.2009 our family name i.e. Anumanchipalli other share holders Thonangi family are entered, as such we

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are hereditary archakas clearly comes under the definition under Sec. 34 (3) of Act 30/87. Further only the name of Anumanchipalli Adinarayana Rao name is entered in Sec. 43 (10) register.

We further submit that, even our father was declared as hereditary archakas in AS No. 09/1990 dated 16.05.1993. Hence in the above mentioned circumstances the Hon'ble Authority may be pleased to declare us as hereditary archakas of the Sri Nilamani Durga Ammavaru Temple, Patapatnam, Srikakulam District.

Your's Truly,



1. Anumanchipalli Durga Prasada Rao



2. Anumanchipalli Venugopala Rao



3. Anumanchipalli Adinarayana Rao

Enclosures :

1. Copy of AS No. 09/1990 dated 16.05.1993 of Adl. Sub Judge, Srikakulam
2. Copy of Sec. 43 register
3. Copy of Sec. 38 register
4. Copy of Death certificate
5. Copy of legal heirs certificate
6. Copy of affidavits



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(24)

FORM NO. 6
(Sec. Rule 8)

DEATH CERTIFICATE
(Issued under Sec. 12(1))

This is certify that the following information has been taken from the original record of death which is the register for (Local Area) Ganapanchayat, Pathapatnam of Tehsil Pathapatnam ✓ of District Sri Kalahasti ✓ of State Andhra Pradesh ✓

Name Annamachari, Sujan Rao ✓
V. Lal. N. Anjanayana

Sex Male ✓

Date of Death 27.05.2002 (Twenty Seventh - May - Two thousand - two) ✓

Place of Death Kondiguda Street, Pathapatnam ✓

Registration No 42 ✓

Date of Registration 31.5.2002 ✓

Date

13/6/2002

Ch. Venkayya 12/6/02
Signature of Issuing Authority
Seal Ch. Venkayya
12/6/02

No disclosure shall be made of particulars regarding the cause of death as entered in the Register. See proviso to Section 17(1).

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// Typed Neat Copy //

FORM NO

(see Rule 8)

Death Certificate

(issued under Sec. 12/17)

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This is certify that the following information has been taken from the Original record of Death which is the register for (Local Area) Grama Panchayat Pathapatnam of Tahsildar Pathapatnam of District Srikakulam of State Andhra Pradesh.

Name: Anumanchipalli Surya Rao S/o Venkata Narayana

Sex: male

Date of Death: 27.05.2002 (Twenty Seventh day of May Two Thousand Two)

Place of Death: Mangilena Street Pathapatnam.

Registration No: 22

Date of Registration : 31.05.2002

Date: 13.06.2002

Signature of Issuing Authority

Seal

D.D.S 305/2002 A.U. 01-07-2002

Mandal Revenue Office, Pallapattanam

Certified that Anumanchipalli Surya Rao of Pallapattanam village and Mandal -
Srikakulam District, Andhra Pradesh State expired on 27-05-2002 leaving behind him the
following family members whose relationships and ages are noted against each:-

- | | | |
|--|------------------|---------------|
| 1. Smt. Anumanchipalli
Seetharamam | Married Wife | Aged 58 years |
| 2. Sri Anumanchipalli
Durga Prasad Rao | Married Son | Aged 41 years |
| 3. Sri Anumanchipalli
Venugopal Rao | Married Son | Aged 38 years |
| 4. Sri Anumanchipalli
Anandayana | Married Son | Aged 30 years |
| 5. Smt. Lakshmi Devarajam
W/o Ganapathi Rao | Married Daughter | Aged 34 years |
| 6. Smt. Lakshmi Nirmala
W/o Hasekarao | Married Daughter | Aged 32 years |
| 7. Smt. Nadipalli Ramadevi
W/o Govind Rao | Married Daughter | Aged 28 years |

Item No.1 is the wife to the deceased. Item Nos. 2, 3, 4, 5, 6 and 7 are the
married sons and daughters respectively to the deceased and they have jointly
consented to issue the Legal Heir Certificate in favour of their mother item No.1 and
they are also living separately with their family members.

Hence, Smt. Anumanchipalli Seetharamam is considered to be the next Legal
Heir to the deceased Anumanchipalli Surya Rao of Pallapattanam village and Mandal -
Srikakulam District, Andhra Pradesh State to receive the Government dues due to
the deceased and also other dues due to the deceased, if any as per the recorded
evidence reported by the Revenue Inspector-1, Pallapattanam.



Mandal Revenue Officer
Pallapattanam

To:-
Smt. Anumanchipalli Seetharamam
W/o Late Anumanchipalli Surya Rao
Pallapattanam village and Mandal -
Srikakulam District
Andhra Pradesh State

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D.DIS 305/2002A Dt 03.07.2002

Mandal Revenue Office, Patapatnam.

LEGAL HEIR CERTIFICATE

Certificated that Anumanchipalli Surya Rao of Pathapatnam Village and mandal Srikakulam District, Andhra Pradesh State Expired on 27.05.2002 left behind him the following family members whose relationships and ages are noted against each.

1	Smt. Ammanchipalli Seetha Ratnam	Married Wife	Aged 58 Years
2	Sri Anumanchipalli Durga Prasada Rao	Married Son	Aged 41 Years
3	Sri Ammanchipalli Venugopal Puram	Married Son	Aged 38 Years
4	Sri Anumanchipalli Audi Narayana	Married Son	Aged 30 Years
5	Smt Lakkoji Jeevartnam W/o Ganapathi Rao	Married Daughter	Aged 34 Years
6	Smt. Dakoju Nirmala W/o Bhaskara Rao	Married Daughter	Aged 32 Years
7	Smt.Nadipalli Ramadevi W/o Govinda Rao	Married Daughter	Aged 28 Years

Item No.1 is the Wife to the Deceased. Item Nos.2,3,4,5,6 and 7 are the married sons and daughters respectively to the deceased and they have jointly consented to issue the Legal Heir Certificate in favour of their mother item No.1 and they are also living separately with their family members.

Hence Smt. Anumanchipalli Seetha Ratnam is Considered to be the next Legal Heir to the Deceased Anumanchipalli Surya Rao of Pathapatnam Village and mandal, Srikakulam District, Andhra Pradesh State to receive the Government dues due to the deceased and also other dues to the deceased if any as per the recorded evidence reported by the Revenue Inspector-1 Pathapatnam.

MANDAL REVENUE OFFICER.
PATHAPATNAM.

To,
Smt Anumanchipalli Seetha Ratnam
W/o Late Anumanchipalli Surya Rao
Pathapatnam village and Mandal
Srikakulam District.
Andhra Pradesh State.



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ఆంధ్రప్రదేశ్ ప్రభుత్వము

దేవాదాయ ధర్మాదాయ శాఖ

హిందూమత దేవాదాయ ధర్మాదాయ

చట్టము 30/1987 నందల సెక్షన్ 43 ప్రకారం పయారుచేసిన

లిజిస్టరు



దేవాలయము లేక ధార్మిక సంస్థ పేరు : శ్రీ సీతా సుమీ దుర్గా ఆమ్మవారి ఆలయము

స్థానము :

పాథాపత్నం

మండలం :

పాథాపత్నం

జిల్లా :

శ్రీ పొట్టి శ్రీరాములు

కార్యనిర్వహణాధికారి /

మేనేజర్ / ఛైర్మన్ / సెగ్మెంట్ ట్రస్టీ పేరు : శ్రీ మన్ దుర్గా ఆమ్మవారి ఆలయము

రాఖలు చేసిన తేది :

18/11/09

S. Nageswara Rao
MANAGER

at Neelamani Durga Ammanavar Temple
PATHAPATNAM, Srikakulam Dt.

29

**GOVERNMENT OF ANDHRA PRADESH
ENDOWMENTS DEPARTEMNT**

HINDU RELIGION ENDOWMENTS

A REGISTER PREPARED UNDER ACT 30/1987 UNDER SECTION 43

**A Temple Or Religious Institution Name: Sri Nelamani Durga
Ammavari Temple**

Village: Pathapatnam

Madal : Pathapatnam

District : Srikakulam

Registered Date: 18.11.09

Sd/

Manger

**Sri Nelamani Durga Ammavari Temple,
Pathapatnam Srikakulam District.**



(30)

PROCEEDINGS OF THE ASSISTANT COMMISSIONER
ENDOWMENTS DEPARTMENT, SRIKAKULAM

Present :- Sri. N. Mulyala Rao, B.A.B/Edt.,
Assistant Commissioner (IAC).

R.Dis No.A2/3323/2009, Dt.20.11.2009

Sub :- Registration U/s 43 of the Act.30/87 - Sri Neelamani Durga Ammavari, Temple, Pathapatnam(V) & (M) - Srikakulam District - Registration Certificate - granted - Orders - issued.

Ref :- Rc.No.135/2009, Dt.20.11.2009 of the Inspector, Endowments Department, Srikakulam.

In the circumstances reported by the Inspector, Endowments Department, Srikakulam in the reference cited, and in exercise of the powers vested in him U/s 43 of the Act 30/87, the Assistant Commissioner, Endowments Department, Srikakulam hereby register the subject temple under Sub-Sec.5 of the Sec.43 of the Act, and grant certificate of registration to the Manager of the temple.

The Manager of the subject temple is requested to report to the Assistant Commissioner, Endowments Department, Srikakulam once in every 3 years the alterations, omissions and additions, if any, needed to the said register together with a statement of such alterations, omissions and additions as may be necessary along with certificate granted U/s.43(5) of the Act.30/87 for taking further action without fail otherwise he will be punishable with a fine.

N. M. Rao
Assistant Commissioner,
Endowments :: Srikakulam.

To
Sri S.Nageswara Rao, Manager, Sri Neelamani Durga Ammavari, Temple, Pathapatnam (V) & (M), Srikakulam District.

Copy submitted to the Commissioner, Endowment Department, Hyderabad for favour of kind information (with 43 register)

Copy submitted to the Deputy Commissioner, Endowment Department, Visakhapatnam for favour of kind information (with 43 register)

OFFICE
ASSISTANT COMMISSIONER
Endowments Dept.

ON 13/11/2019

CERTIFICATE

This is to certify that the S/3 register consisting 30 (Thirty)
pages with a serial number from 1 to 30.



Assistant Commissioner
Endowments Department
Sri Lanka
ASSISTANT COMMISSIONER
Endowments Department

[Signature]

32

Particulars under Section 38 of Act 17 of 1966.

Name of Institution: Sri Sri Nitya nama Durga Devatha
 Annamalai Z. Patha Pathra Village - Patha Pathra
 Near the Sri Kankulam Dt.

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R

1. On 11/17/74, Sgt Neal immediately advised the temp of the patient was 101.8° F. (rectal) - see.

2. On 11/17/74, dated 23-6-1974 from the Inspector, in down.

Michael
Assistant Commissioner

[illegible]

65610

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34

**PROCEEDINGS OF THE ASSISTANT COMMISSIONER, ENDOWSMENT DEPT.
Srikakulam.**

Present : Sri B.V.B.K Acharyalu B.A Asst Commissioner

R.S.No. 3491/74.A2.dated 30.07.74

SUB: Endowment Department Religious Institutions U/s 38 of the Act 17/66. Sri Nelamani Durga Ammavari Temple, Patapatnam Taluka, Srikakulam Dist.- Reg.

Ref: Letter No. 194/74 dated 23.08.1974 from the Inspector, Endowment Deptat Srikakulam.

Sri G. Satyanarayana Rao, Executive Officer of Sri Nelamani Durga Devatha Temple, Patapatnam town and Patapatnam taluk Srikakulam District has applied through the Inspector of Endorsement Dept, Srikakulam for Registration of the said institution U/s 36 of the A.P.C & H.R.I & Endow Act17/66. The Inspector of Endorsement dept Srikakulam has verified the entities made in the register filed U/s 33 of the Act 17/66 as per the material available. After due consideration of the report of Inspector it is hereby ordered the Sri Nelamani Durga Devatha Temple, Patapatnam town and Patapatnam taluk Srikakulam District has applied through the Inspector of Endorsement Dept, Srikakulam for Registration of the said institution U/s 36 of the A.P.C & H.R.I & Endow Act17/66.and a certificate is issued accordingly.

Assistant Commissioner

To,

Sri G. Satyanarayana Rao Executive officer Sri Mukhalineshwara Swamy Temple, Mukha lingam Pathapatnam Taluka Srikakulam Dist. A registered copy subjected to the Commissioner of Endowment Dept. Hyderabad.

Copy to the Inspector Endorsement Dept Srikakulam

Copy to the File in RS. No. 3491/74 A2



-21-

[illegible]

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15. A brief history of the temple or endowment is the story of the Place Importance and details of the structure or archaeological value ((The Story of this temple the miracles going on this temple, No of Pilgrims visit this temple to be attached)

It is the only cure temple of Srikakulam district on Sindura hill. Inscriptions on the pillar established that it was been constructed during 11th century A.D. every year in the month of Chaitram (February/March) kalyanotsavam is celebrating in this temple for specially for 9 days. Here on hill top there is a Holi spring through which holy water springs out throughout the year.

Srikakulam District is the extreme Northeastern District of Andhra Pradesh situated within the Geographic Co-Ordinates of Eastern longitude. The Nagavali, Vamsadhara, Suvarna Mukhi, Vegavathi, Mahendratana, Gomukhi, Champavathi, Bahuda and Kumbikota Gedda are the important rivers of the District . The Vamsadhara river rises in the Eastern Ghats of Orissa State and enters Srikakulam District in Bhamini Mandal and finally falls into the Bay of Bengal near Kalingapatnam. The Nagavali and Suvarnamukhi rivers also originate in the Eastern Ghats while Nagavali in Vangara Mandal and the confluence joins the Bay of Bengal at Kallepalli near Srikakulam Rising in Pachipenta hills the Vegavathi river flows from west to east, ultimately joining the river Suvarnamukhi, Gomukhi joins Suvarnamukhi at Sirlam Village of Vizianagaram District and Mahendratana which is Tributary of Vamsadhara joins the later at Komanapalli Village in Hiramandalam Mandal. Another river of the same Eastern Ghats flows through Mandasa and Sompeta Mandals and falls into Bay of Bengal at Baruva. The Bahuda river also rises in the Eastern Ghats enters into Srikakulam District at Boddapadu Village of Ichapuram Mandal and flows through Ichapuram, Kaviti and Mandasa and enters into Bay of Bengal at Donkuru. The District has a seacoast of 193 Kms . Srikakulam was known by various names in the past, some of them being, Uttarandhra, Kalingandhra, Chicacole and Gulshanabad. Evidence of early man and his activities during Stone Age and Iron Age have been found at Sangamayya

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Konda and Dannanapeta in Srikakulam. Ruins of several Jain monuments and Buddhist relics have also been discovered near Sangamayya Konda. Historically, Srikakulam was a part of the Kalinga kingdom and was ruled by kings of the Eastern Ganga Dynasty for a period of more than 800 years from the 6th to the 14th Centuries A.D. The region was also under the power of the Gajapati Kingdom of Orissa during the medieval era. From 1707 to 1753 AD, it was under the rule of the Nizam of Hyderabad, being the centre of revenue collection. In 1857, Srikakulam was constituted as a municipality under the British rule. The district 9 DMG, GoAP board of Srikakulam as it exists today, was formed on 3rd January, 1951. This temple has an important place in Srikakulam district and it affects a great on Hindu Religious belief.



TRANSLATION

6. Names of all offices both hereditary and non-hereditary services for which any salary or emoluments or perquisites is attached at the nature of perquisites for service in each case and names of service holders thereof.

6. i. Anumanchipalli Ganapathi
- ii. Anumanchipalli Taraka Rama Rao
- iii. Anumanchipalli Surya Rao
- iv. Anumanchipalli Chinnaiah archakas



18. Other particulars pertain to religious institutions or endow-
ment.

19. Remarks:

(70)
Certified that the contents of the register are correct to the best of my knowledge.

G. Sathyanarayana Rao
Trustee, Registrar Office

Certified that the contents of the register have been verified with the details of the temple and found to be correct.

X. S. S. S. S.
14-5-74
S. S. S. S. S.

N.I.

Certificate granted by the Asst. Commissioner, Endowments Dept, Srikanthapur u/s. 3 of the Act 17/66.

Sri G. Sathyanarayana Rao, Trustee of Sri Neelamma Ursu Devasthanam, Srikanthapur, and other particulars of the temple has applied for registration of the endowment u/s. 3 of the A.P. C.M. R. L. Act 17/66 through the Inspector, Endowments Dept, Srikanthapur.

The Inspector, Srikanthapur has verified the entries made in the register with the material available. After examining the Hon. of the Inspector's report it is hereby certified that the particulars entered in this certificate are genuine and correct and represent the details of Sri Neelamma Ursu Devasthanam, Srikanthapur, and other particulars of the temple.

14/5/74
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14/5/74
Assistant Commissioner

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R.S.No. 5497/2412 / 30.07.1974

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CERTIFICATE

Certificate Granted by the Asst. Commissioner Endowment Dept
Srikakulam U/s 38 of the Act 17/66.

Sri G. Satyanarayana Rao, Executive Officer of Sri Nelamani
Durga Devatha Temple, Patapatnam town and Patapatnam taluk
Srikakulam District has applied through the Inspector of Endorsement
Dept, Srikakulam for Registration of the said institution U/s 36 of the A.P.C
& H.R.I & Endow Act 17/66. The Inspector of Endorsement dept Srikakulam.

The Inspector Srikakulam have verified the entries made in the
register with the material available, after the consideration than of the
Inspector's report it is hereby certified that the particulars enclosed to this
Certification are genuine and correct represent the details of Sri Nelamani
Durga Devatha Temple, Patapatnam town and Patapatnam taluk
Srikakulam District.

Assistant Commissioner



GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Endowment Department –The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Right to Archakatvam (Qualifications and Emoluments) Rules, 2019 – Final Notification - Issued.

REVENUE (ENDOWMENTS-1) DEPARTMENT

G.O.Ms.No.439

Dated 21-10-2019.

Read the following:

- 1.A.P.Charitable and Hindu Religious Institutions and Endowments Act 1987 (Act 30 of 1987) as amended by Act 33 of 2007.
- 2.G.O.Ms.No.76, Revenue (Endowments-I) Department, Dated:16-02-2017.
- 3.G.O.Ms.No.540, Revenue (Endowments-I) Department, Dated:25-10-2018.
- 4.From the Commissioner of Endowments, A.P., Vijayawada Lr.in Rc.No.DP1/11/658/2018, Dated:07-02-2019.
- 5.From the Commissioner of Endowments Dept. in E-file No.COE/833/2019-J (Computer No.1000761) received on 12-10-2019.
6. From the A.P. Archaka Samakhya, Tenali, Guntur District, Representation dated 27-09-2019.

ORDER:

Whereas, the hereditary rights in Mirasidars, Archakas and other office holders and servants of Religious Institutions or Endowments were abolished by sub-section (1) of Section 34 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. However, they shall continue to hold such office or posts on payment of emoluments;

And whereas, under sub-section (3), the Archakas may receive emoluments as per the scheme framed under section 144 of the said Act, (1) if, he is a member of Archaka's family (2) should be qualified as Archaka (3) continued Archakatvam as per the date of repealing of 1966 Endowments Act (4) Recognized Archaka by the Competent Authority;

Whereas, in the G.O. 2nd read above, in order to preserve the traditional Hindu Temple system especially in small village temples; Government have issued preliminary notification duly notifying the Andhra Pradesh Charitable Hindu Religious and Endowments Hereditary Archakas Qualifications and Emoluments Rules 2017;

Whereas, suggestions and objections were received on the said preliminary notification;

Now, therefore, the Government after careful examination have decided to issue the rules;

Accordingly, the following notification will be published in an Extraordinary Issue of Andhra Pradesh Gazette, dated 21.10.2019.

FINAL NOTIFICATION

In exercise of the powers conferred under sub-section (3) of section 34 read with section 144 and section 153 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Andhra Pradesh Act No.30 of 1987), the Governor of Andhra Pradesh hereby makes the following rules framing a scheme stipulating the conditions of the service and payment of emoluments to such Archakas



as the same has been previously published as required under section 153 of the said Act vide G.O.Ms.No.76, Revenue (Endowments-I) Department, dated 16-02-2017.

Rules

1. Short title:- These rules may be called the Andhra Pradesh Charitable And Hindu Religious Institutions and Endowments Hereditary Archakas Qualifications and Emoluments Rules, 2019.

2. Application:-

- (1) The Rules in this part shall apply to Hereditary Archakas mentioned in Rule (6) of this part of all Charitable and Religious Institutions other than Tirumala Tirupathi Devasthanams, who are recognized as Hereditary Archakas as per the provisions of Act No.17/1966 and continuing in religious service of any kind.
- (2) The Rules framed under Section 35 (3) and Section 35 (4) relating to Qualification, Emoluments and Conditions of Service of the Non Hereditary Archakas are not applicable to the Hereditary Archakas as they are governed by these rules
- (3) Every Archaka in each institution published under Sections 6 (a), 6 (b) and 6 (c), who is already functioning in the approved cadre strength and governed by Rules framed under Section 35 (3) and Section 35 (4) and drawing emoluments as such and who is eligible to be recognized as Hereditary Archakas as per Rule (6) shall be given an option to either be governed by these Rules or to continue to be governed by the Rules framed under Section 35 (3) and Section 35 (4).

3. Definition:- The words and expressions used in these rules shall have the same meaning assigned by them in the Andhra Pradesh Charitable And Hindu Religious Institutions and Endowments Act, 1987 (Act No.30/1987), as amended by Act No.33/2007.

4. Hereditary Archaka Scheme:- There shall be a Scheme for Hereditary Archakas called 'Hereditary Archaka Scheme' in respect of those institutions where Hereditary Archakatvam was recognised as per the provisions of Act No.17/1966.

5. Hereditary Archaka Families:- In respect of institutions published under Sections 6(a), 6(b) and 6(c), Hereditary Archaka Families whose members have been performing Archakatvam service and recognized as such under the Act No.17 of 1966 shall be identified and recorded in the 'Hereditary Archaka Scheme' to be prepared for each such institution by the Commissioner.

Provided the process of paper notification in a leading daily, production of family members certificate, verification of genealogy map, obtaining affidavits, due and transparent enquiry shall precede before their identification is confirmed.

6. Rule of Succession:- In every case where the office or service is hereditary, the person next entitled to succeed, according to the rule of succession laid down by the founder, or where no such rule is laid down, according to the usage or custom applicable to the sect or sampradaya to which the institution or endowment belongs, shall with the permission of the Commissioner assume charge of such service.

Provided that there shall be no superannuation to the Hereditary Archaka on the basis of age, but he shall be physically fit to perform his archakatvam duties.

Provided further that where there is already a Hereditary Archaka and he intends to retire due to old age or other health reasons, he shall nominate his successor and send the name to the Commissioner for approval.

Provided further that no adoption is final unless it is recognized by the Commissioner.

Provided further that nominee is from the same community and born to legally wedded wife and such person shall have acquired necessary qualifications and free

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from Sapta-vyasanams. The nominee / successor shall not deviate the customs, usages and traditions of the family and marital relations forever.

Provided further that persons who opt to succeed to hereditary archakatvam shall be eligible to be considered as such, only if they are willing to provide religious service on a full time basis in the temple and are proficient in providing such service.

7. Right to Archakatvam:-

- (1) All qualified members who are above the age of 16 years belonging to the Hereditary Archaka Families under Rule (5) of these rules and who apply to be included in the 'Hereditary Archaka Scheme' will have right to archakatvam.
- (2) As and when other members attain the age of 16 years they can file their respective claim with the concerned Authority for inclusion in the Scheme and the same will be recognized and 'Hereditary Archaka Scheme' shall be updated.
- (3) There shall not be any transfers to the hereditary archakas.

8. Honours:- In the 'Hereditary Archaka Scheme' formulated for each Temple the honours due to the Hereditary Archaka family members under Section 142 has to be recorded.

9. Category of Hereditary Archakas:-

- (1) Subject to the Scheme and emoluments therein, there shall be two categories of Hereditary Archaka in the institutions published under Section 6(a) and 6(b), :

<u>Category</u>	<u>Name</u>
I	Pradhana Archaka
II	Archaka

In case of 6(c) institutions, there shall be archakas only.

- (2) There shall be one Pradhana Archaka from each of the Hereditary Archaka family identified under Rule (5) in each institution published under Sections 6(a) and 6(b).
- (3) Provided further in those cases where the serving Archaka expires without nominating his successor, the Commissioner shall enquire personally and decide the successor. The Commissioner shall take into account such factors like Law of primogeniture, eligibility, willingness work full time in a dedicated manner, prior experience, if any, etc.
- (4) The senior most qualified Hereditary Archaka belonging to the Hereditary Archaka family will be Pradhana Archaka of that 6(a) or 6(b) temple and such person shall be entitled to all honours that his service is eligible.

10. Emoluments:-

- (1) The Emoluments for the Hereditary Archakas shall be incorporated in the 'Hereditary Archaka Scheme' for each institution published under sections 6(a), 6(b) and 6(c).
- (2) In respect of the institutions below income of Rs.5.00 Lakhs where Section 144 is not applicable, the Archaka families shall be allowed the same customary emoluments prevalent under the concerned provisions Act No.17 of 1966.

11. Benefits:- The Benefits for the Hereditary Archakas shall be incorporated in the 'Hereditary Archaka Scheme' for each institution published under Sections 6(a), 6(b) and 6(c) as per the guidelines published by the Dharmika Parishad.



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(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner of Printing, Stationery & Stores Purchase (Publication Wing),
Andhra Pradesh, Government Regional Press Building, Mutyalampadu,
Vijayawada-520 011 for publication of the Final Notification in an Extraordinary
issue of the Andhra Pradesh Gazette, Dt:21-10-2019.

(He is requested to supply 50 copies of the Notification to the Government and
100 copies to the Commissioner, Endowments Department, Government of
Andhra Pradesh, Gollapudi, Vijayawada-521 225).

The Commissioner, Endowments Department,
Andhra Pradesh, Gollapudi, Vijayawada-521 225.

Copy to:

The O.S.D. to Principal Advisor to Hon'ble Chief Minister.

The OSD to Hon'ble Minister (Endowments).

The P.S. to Chief Secretary to Government.

The P.S. to the Special Chief Secretary to Government (Endowments & Lands).

The Law Department.

Sf/Sc.

//FORWARDED:BY ORDER//

SECTION OFFICER

11

P8 46
IN THE COURT OF THE ADDITIONAL SUBORDINATE JUDGE,
SRIRAKULAM.

Present: Sri A. Koteswara Rao, B.A., LL.B. Additional Subordinate
Judge.

Monday, the 16th Day of August, 1993.

Common Judgment in A.S. 9/90 and
A.S. 1/91

A.S. No. 9/90 and A.S. 1/91 arose out of judgment in O.S. 50/1983
dated 28.8.89 on the file of the D.M.C., Pathapatnam.

Parties in A.S. 9/90

(A.S. No. 84/89 transferred from Addl District Court, Sriekulam
Between:

- | | |
|-----------------------------|--|
| 1. Anumanchipalli Surya Rao | 2. Anumanchipalli Seetharamam. |
| 3. Anumanchipalli Sayamma. | 4. Anumanchipalli Ganapathi Rao. |
| 5. Anumanchipalli Chinnavya | 6. Anumanchipalli Chandrabhushana Rao. |

Appellant No. 6 is added as per order Dated 11.7.91 in I.A. 29
of 1991.

Appellants
(Plaintiffs 1 to 5).

And:

- | | |
|---|--------------------------|
| 1. Sri Dharma Rao, Executive Officer, Neelamani Durga Temple. | |
| 2. Danu Ramanayya. | 3. Pandito Judistiro. |
| 4. Pandito Minath. | |
| 5. Pandranki Mohana Rao. | 6. Pandranki Chandramma. |
| 7. Thonangi Rajulamma. | .. Respondents |

(D2 to D5, D7, D8 and 6th Plaintiff)

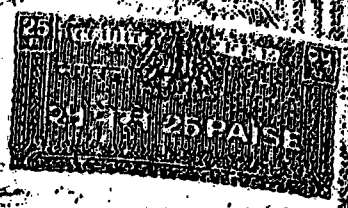
On appeal from the decree and Judgment dated 28.8.89 passed
by the court of the District Munsif, Pathapatnam in O.S.
50 of 1983.

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(75)

FIVE PAISE



AMPI

Between:

1. Anumanchipalli Surya Rao.
2. Anumanchipalli Seetharatnam.
3. Anumanchipalli Sayamma.
4. Anumanchipalli Ganapathi Rao.
5. Anumanchipalli Chinnayya.

6. Thonangi Rajulamma.

.. Plaintiffs.

And:

1. Palla Subba Rao (died)
2. Sri Dharma Rao, Executive Officer, Neelamani Durga Temple,
3. Danu Ramanayya. 4. Pandito Judistiro 5. Pandito Trinadh,
6. Pandranki Appanna (died) 7. Pandranki Mohana Rao.
8. Pandranki Chandramma @ Sundaramma.

.. Defendants.

Parties in A.S. 1/91

(A.S. No 13/90 transferred from the District Court, Srikakulam)

Between:

- Thonangi Rajulamma.

.. Appellant-6th Plaintiff.

And:

1. Fyla Subba Rao (died) 2. Hanumanchipalli Surya Rao.
3. Hanumanchipalli Seetharatnam. 4. Hanumanchipalli Sayamma.
5. Hanumanchipalli Ganapathi Rao. 6. Hanumanchipalli Chinnayya (die
7. Executive Officer, Neelamani Durga Temple o/Sri Mukhalingeswar
- Swamy Temple, Mukhalingsam.
8. Danu Ramanayya. 9. Panditha Judistiro. 10. Hanumanchipalli
- Chandrabushana Rao. ALM 175 W

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(Respondent No 10 added as per order Dt. 7.10.91 in I.A.33/91)
... Respondents (Plaintiffs 1 to 5
and D.2 to D.4).

On appeal from the decree and Judgment dated 28.8.89 in O.S.
50/83 on the file of the D.M.G. Pathapatnam.

Between:

1. Hanumanchipalli Surya Rao. 2. Hanumanchipalli Seetharatnam.
 3. Hanumanchipalli Sayamma. 4. Hanumanchipalli Ganapathi Rao.
 5. Hanumanchipalli Chinmaya. 6. Thonangi Rajulamma.
- .. Plaintiffs.

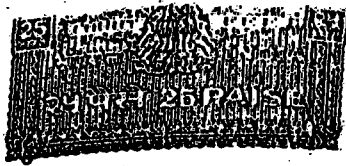
And:

1. Palla Subba Rao (died. LRs not added as unnecessary)
 2. Sri Dharmarao, Executive Officer, Neelamani Durga Temple
C/o Sri Mukhalingeswaraswamy Temple, Srimukhalingam,
 3. Danu Ramanyya. 4. Pandita Judistiro. 5. Pandito Prinatha.
 6. P. Appanna. 7. Pandranki Bhaskara Rao. 8. Pandranki
Chandramma @ Sundaramma.
- .. Defendants.

These two appeals coming on 23.7.93 for final hearing
before me in the presence of Shri Ch. Suryanarayana,
Advocate for the appellant in A.S.9/90 and for respondent.
Nos. 2 to 5, 10 in A.S. 1/91 and of Sri C. Narasimha Murthy,
Advocate for the 1st respondent in A.S.9/90 and for responden
7 to 9 in A.S. 1/91 and Sri P. Rama Rao, Advocate for the 7th
Respondent in A.S.9/90 and for appellant in A.S.1/91, the
respondent Nos. 2 to 6 in A.S.9/90 remained ex parte and the
respondent Nos 1 and 6 in A.S. 1/91 reported dead and having

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stood over till this day for consideration, this court pronounced the following opinion:-

J U D G M E N T

A.S.No.9/90 and A.S. 1/91 are preferred by the appellants against the judgment and decree of the lower court dated 28.8.1989 passed in C.S.50/83 on the file of the District Munsif Court, Pathapatnam.

2. The brief averments of the Plaint in C.S.50/83 are as follows:- The Plaintiffs are the hereditary Archakas of the Diety of Sri Neelamani Durga Temple of Pathapatnam performing Pooja since the time of their fore-fathers. One Thonangi Suryanarayana originally was performing the pooja and after his death it was divided into two equal shares between his son and Hanumanchipalli Chittamma and his three brothers namely Thavudu, Adinarayana and Chinnayya. The son of late Suryanarayana died leaving behind his son Kumaraswamy and Chittamma, Adinarayana and Thavudu also died. Only Chinnayya who is the Plaintiff No.5 is alive. After death of Kumaraswamy his wife Thonangi Kanthamma and his son Raja Rao was performing the Pooja and it was divided into three equal shares between Thonangi Kanthamma and her son Raja Rao and his wife Rajulamma who is the 6th Plaintiff.

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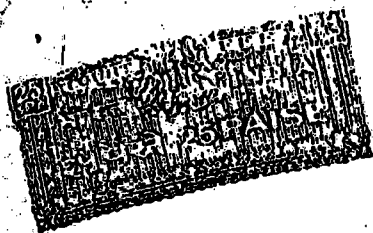
5.
After death of Raja Rao, Kanthamma was doing Pooja of her share and also share of her son. Kanthamma obtained decree of permanent injunction against the 1st Defendant and others in O.S. 46/77. 1st plaintiff is son of late Adinarayana, 2nd Plaintiff is wife of 1st Plaintiff, and 3rd Plaintiff is the wife of late Chittanna, 4th Plaintiff is son of late Thavudu, 5th plaintiff is one of the four brothers surviving. The 1st Defendants suffered a decree in O.S. 46/77 and the right of Archakatwam of Plaintiff No. 6 also upheld. The 1st Defendant claims to be chairman of the Trust-Board, 2nd Defendant is the Executive Officer other defendants are hire Gundas of 1st Defendant. The Defendants have no right to interfere with the Archakatwam work. Hence the suit is filed for permanent injunction against the defendants.

3. As per the written statement filed by the Defendants except D.2 the temple Neelamani Durga Diety is a public temple and the same was taken by Endowments Department in 1974. There is a Board of Directors to look after the administration besides the Executive Officer. The Department directed the trust Board to appoint qualified Archakas

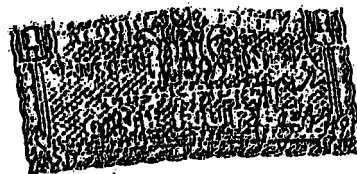
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to perform Archaka for the temple. D.1 issued a show cause notice on 14.4.1978 to one Hanumanthipalli Kanthamma and the services were kept under suspension from 14.4.1978 and one Tonangi Neelaveni was appointed as Archaka. The Plaintiffs know that the schedule lands in O.S. 37/83 belongs to Dicty and falsely filed the suit against the tenants who are appointed by the Executive Officer. The Plaintiffs have no qualifications and this court has no jurisdiction to try the suit. The commissioner is the competent authority. It is prayed to dismiss the suit with costs.

4. 2nd Defendant filed written statement with the following averments: After the judgment in C.M.A. 3/78 on the file of the District Judge, Srikakulam D.1 issued notice to Tonangi Kanthamma on 14.4.1978 and she was kept under suspension and one T. Neelaveni was appointed as Archaka in her place and the order became final. The said Kanthamma filed for withdrawal of the case in O.S. 46/77 on the file of the D.M.C. Pathapatnam. The temple was taken by the Endowments Department in 1974 since 1978 Neelaveni is continuing as Archaka. Plaintiffs. 4 and 5

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are unqualified, by the date of the suit. The Plaintiffs 1 and 6 and one Thonangi Kanthamma and Hanumanchipalli Tarakeswara Rao filed O.S. 37/83 for injunction against Malla Parodu and others and it is pending. The Assistant Commissioner of Endowments appointed Board of Directors for the temple on 22.10.1974. It is prayed to dismiss the suit with costs.

5. On the above pleadings the following issues are framed by the lower court:-

1. Whether the Plaintiffs are the hereditary archakas of the temple?
2. Whether the defendants are estopped from questioning the decree in O.S. 46/77?
3. Whether this court has no jurisdiction to try this suit?
4. Whether the Plaintiffs entitled for permanent injunction as prayed for?
5. To what relief?

6. P.W. 1 examined and Exs. A.1 to A.19 marked on behalf of Plaintiffs, D.Ws. 1 and 2 examined and Exs. B.1 and B.2 marked on behalf of the Defendants.

7. On hearing both parties and on perusal of the material on record, the learned District Munsif, has dismissed the suit with costs.

8. Aggrieved by the Judgment and decree of the lower court the appellant Plaintiffs 1 to 5 in A.S. 9/90 filed this appeal within the following grounds:-

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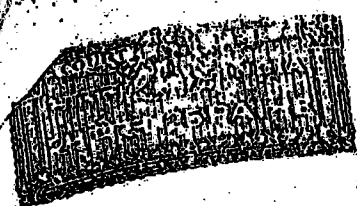
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The lower court should have granted permanent injunction as the appellants are hereditary archakas and exercising their right of Archakatvam of the temple paying contribution to the Hindu Religious Endowments Department as per Exs. A.4 to A.15 and as admitted by D.Ws.1 and 2 and that the provisions of the Madras Act II of 1977 and subsequent enactments do not apply to the administration of the said temple as the Board of Commissioner for Hindu Religious Endowments, Madras passed the order Ex.A.16 to the effect that Sri Sri Sri Neelamani Durga Temple, was declared as "Excepted Temple" and revoked its early order No.9437 Dt. 22.11.1939, appointing trustees to the temple. The lower court should have seen that the temporary injunction granted in I.A.278 of 1978 in O.S.46/77 against Palla Subba Rao, purported Chairman of the alleged Trust Board of the Plaintiff scheduled temple and D.Venkateswara Rao and Thonangi Neelamani alleged archakas thereof, from interfering with Archakatvam functions of Thonangi Kanthamma as confirmed by the Judgment in C.M.A.3/78 under Ex.A.19 and Ex.A.17 rendered in CRP 6176/78 by the High Court of Andhra Pradesh.

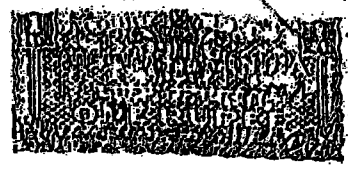
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and that the suit in O.S. 45/77 was eventually decreed in favour of Kanthamma under Ex.A.18 dated 23.12.81. and the respondents are barred by estoppel by the judgment from raising the same plea in the suit. The Lower court should have held that the registration of the Plaint schedule temple and issue of certificate by the Assistant Commissioner is not valid and tenable under law as the Plaint schedule temple is an excepted temple, that the version of the respondents that the Religious Endowment Department had taken over the temple in the year 1974 and appointed Board of Trustees for it on 22.10.1974 is baseless and false and that in any case the constitution of Board of Trustees with the 1st Defendant as its Chairman contravenes the express provisions of Section 17 and subsection 2 of A.P. 17 of 1966 and is null and void as the enactment specifically contemplates that appellants and the 7th respondent who have been hereditary Archakas are also not contemplated to be Chairman of the Board of Trustees. The lower court ought to have seen that even under provisions of Section 17 of A.P. Act 30 of 87 one among the family of the founder of the temple is. the appellants

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and 7th respondent who happened to be hereditary trustees and Archakas of the said Neelakant Durga temple to continue as Archakas even after the said enactment comes into force. The lower court should have seen that the appellant instituted the suit for grant of permanent injunction simplicitor against the respondents as as they threaten to interfere with their right of Archakatwam of the plaint schedule temple and that the question involved in the suit does not impinge on the provisions of A.P. Act 17 of 1966 or 30 of 1987 and unhesitatingly should have granted the relief of permanent injunction in favour of the appellants. It is prayed to set aside the judgment and decree passed in O.S. 50/83 and to allow the appeal with costs throughout.

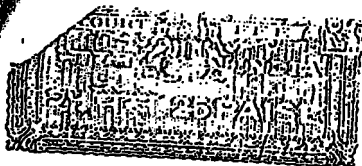
A.S. 1/91 (A.S. 13/90) was preferred by 6th Plaintiff.

9. The main grounds in A.S. No. 1/91 are as follows: Thonangi Kanthamma mother-in-law of the appellant, appellant and her family members became hereditary trustees and the prior adjudication in this regard became final. The Civil Court is having jurisdiction to try the suit. No fresh rights are claimed by Thonangi family to be adjudicated in this suit. The court

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below has over looked the a cur facts. Acquiring of fresh qualifications does not apply to the present generation of the hereditary Archakas. No notice was served on the appellant-6th plaintiff on her sons to obtain fresh qualifications. The appellant and other Thonangi are already covered by a binding and final adjudication and the alleged Neelamani is not shown to have displaced them not even examined. It is prayed to allow the appeal with costs through out and to set aside the judgment and decree of the lower court.

10. Now the point for consideration is:-

Whether there are any grounds to interfere with the judgment and decree of the lower court?

11. The learned District Jansif, Pathapatnam has not settled all the issues and he has dismissed the suit on the point of jurisdiction issues (Issue No.3). The learned counsels for the appellants argued that the local court is entitled to give protection in accordance with the prior decisions which is res judicate and no fresh rights are claimed to be adjudged in the suit. They further argued that in Ex.A.6 dated 15.10.1940 and the order of appointment of

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trustees issued earlier was vacated. In Ex.A.17 judgment the Honcurable High Court in C.R.P.6173/78 dated 25.9.79 preferred by Kanthamma, P.Subba Rao, T.Neelaveni, on firm the injunction given in favour of T. Kanthamma. Ex.A.18 certified copy of the Judgment in C.S.46/77 on the file of the D.M.C.Pathapatnam shows that T. Kanthamma filed the suit against P. Subba Rao, S. Venkateswara Rao, and T.Neelaveni for permanent injunction the suit was decreed against P. Subba Rao and T. Neelaveni.

12. Section 9 (5) of the Madras Hindu Religious Endowments Act of 1927 defined the "Exempted temple means and includes a temple, the right of succession to the office of trustee or the offices of all the trustees (Where there are more trustees than one) where of has been hereditary, or the succession to the trusteeship where of has been specifically for the founder."

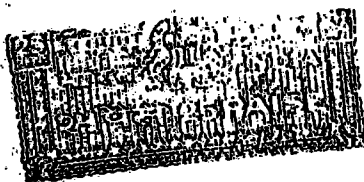
13. As seen from Ex.A.19 the suit temple is excepted. Hence succession to the office of trustee is hereditary. There is no other material to show that the exemption was removed to the temple.

14. Section 154 of A.P. Charitable and Hindu Religious Institutions and Endowments Act 1987 had laid down that the Government may be notification may exempt from the operation of any of the provisions of this Act or any of the rules made thereunder, to any charitable institution.

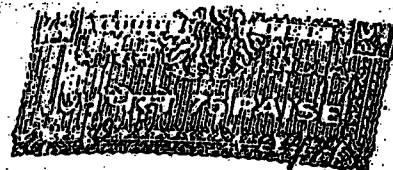
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15. Section 155 (2) (a) of the said Act had laid down that all the rules made, notifications or certificates issued, orders passed, decisions made, proceedings taken and other things done by any authority or officer under the repealed Acts shall in so far as they are not inconsistent with this Act be deemed to have been made, issued, passed, taken or done by the appropriate authority or officer under the corresponding provisions of this Act and shall have effect accordingly until they are modified, cancelled or superseded under the provisions of this Act."

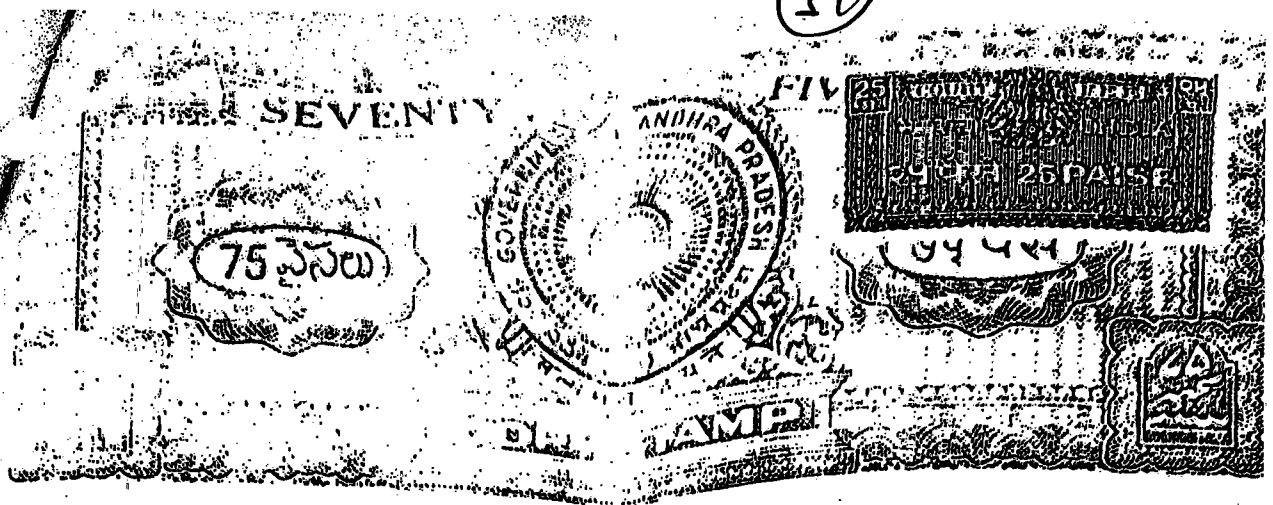
16. The suit was instituted for grant of prohibitory injunction simpliciter against the respondents as they threatened to interfere with the right of Archakatvam of the plain schedule temple, hence the question involved does not impinge the provisions of Act 17 of 1966 and 30 of 1967. They are not questioning the orders of the authorities under the A.P. Charitable Hindu Religious Institutions and Endowments Act. The suit was filed simpliciter against the defendant with their right of Archakatvam.

17. In view of the above position, the view taken by the learned Munsif that the lower court has no jurisdiction is not correct.

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18. D.W. 1 in cross examination admitted that the Plaintiffs are doing Archakatvam. D.W. 2 in his cross examination also stated that the Assistant Commissioner asked the Plaintiff and a Neriaveni to obtain qualifications but no such proceedings are filed in the court asking to obtain qualifications. It is admitted that this is an ancient temple and the employees are full time Archakas. The evidence of P.W. 1 coupled with Exs. M to A15 shows that they paid contributions to the Endowment Department and exercising their right of Archakatvam. Ex. A17 and A18 shows that the plaintiffs are the hereditary Archakas.

19. In view of the Judgment in C.S. 46/77 on the file of DMC, Pathapatnam the defendants are estopped from questioning the decree, as they did not prefer any appeal.

20. In the decision reported in AIR 1991 Supreme Court, at page 2234 between Byram Pestonji Guriwale Vs ALM 175 W

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Union bank of Indian and others (at page 2245;

it was observed that the ~~xxxx~~ judgment by consent is intended to stop litigation between the Parties just

as much as a judgment resulting from a decision of the Court at the end of a long drawn out fight. A compromise

decree creates an estoppel by judgment.

21. The evidence of P.W. 1 and admissions of D.W. 1 and 2 in their cross examination, coupled with Exs A4 to A19 shows that the appellants-Plaintiffs are

hereditary Archakas of the temple and the temple being exempted temple, the appellants-Plaintiffs are entitled to the relief of permanent injunction as prayed for in the suit.

22. In the decision reported in 1992(2) A.P.L.J

at page 15 between C. Satna Swamy Mudaliar (died) Vs Government of A.P. it was held that the declaration obtained under old Act of 1966 as to hereditary trustee of an institution does not get extinguished after the new Act came into force. In the above circumstances

I hold that the learned Munsif Magistrate should have decreed the suit and ~~also~~ dismissing the suit.

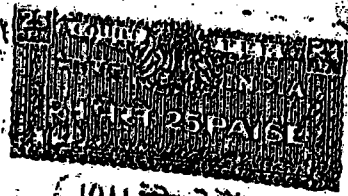
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23. In the result both the appeals are allowed, setting aside the judgment and decree of the lower court dated 28.8.89 in O.S. 50/83 on the file of the D.M.C Pathapatnam and the said suit O.S. 50/89 is decreed with costs, granting permanent injunction from interfering with the rights of the plaintiffs to perform the Pooja of the Deity Sri Neelamani Eurge, Pathapatnam. In the circumstances there is no order as to costs of the ~~appeal~~ appeal.

Dictated to the stenographer, transcribed by him, corrected and pronounced by me in open court, this the 16th day of August, 1993.

Sd/- A. Koteswara Rao,
Addl Subordinate Judge, Srikakulam.

Appendix of evidence

No witnesses examined and no documents marked on either side in the appeal.

Sd/- A. Koteswara Rao,
Addl Subordinate Judge, Srikakulam.

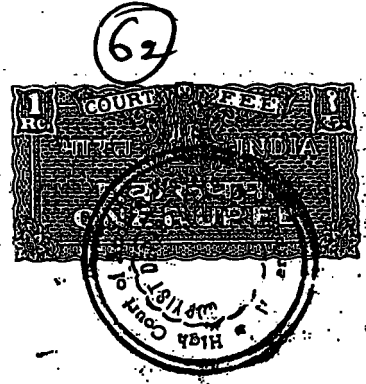
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Read by: Compared by: *VB*

[Signature]
Superintendent

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IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH
AT HYDERABAD.

FRIDAY THE TWENTIETH DAY OF JANUARY

TWO THOUSAND AND FOUR.

: PRESENT :

THE HONOURABLE MR. JUSTICE: B. PRAKASH RAO

SECOND APPEAL NO. 655 of 1993 & 656 of 1993.

SA NO. 655/93:

(Appeal 100 of CPC against the decree in AS NO.
9/1990 dt. 16.8.93 on the file of the Court of
Additional Subordinate Judge, Srikakulam preferred
against the decree in OS NO. 50/83 dt. 28.8.89 on
the file of the District Munsif's Court, Patapatnam.

BETWEEN

Sri Dharma Rao

Executive Officer, Neelamani Durga Temple

C/o Sri Mukhalingeswara Swamy Temple,

r/o Mukhalingam, Srikakulam District. .. Appellant/

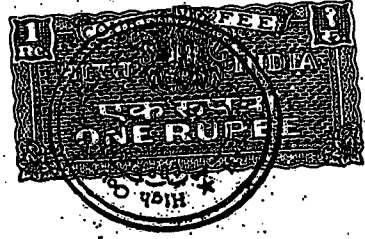
Respt. 2nd Defendant.

and

1. A. Suryarao
2. A. Seetharatnam
3. A. Sayamma
4. Anumachipalli Ganapathi rao
5. A. Chinnayya (died)
6. A. Chandrabhushanarao

C-1094

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7. Danu Ramanna
8. Pandito Juistire
9. Pandito Trinath
10. Pandranki Mohana Rao
11. Pandranki Chandramma @ Sundaramma
12. Thonagi Rajulamma .. Respondents.

(RR 7 to 11 are not necessary to this SA as they are sailing with the appellants and no relief claimed against them. Hence given up).

For the Appellants: Mr. C.S.K.V. Ramana Murthy, Advocate.

For the Respondents Nos. 1 to 4 & 6: Mr. V. Dyamani, Advocate.

Mr. T.S. Anand, Advocate.

For the Respondents 7 to 11: Given up.

SA NO. 656/1993:

(Appeal U/s 100 of CPC against the decree in AS NO. 1 of 1991 dt. 16.8.93 on the file of the Court of the Additional Subordinate Judge, Srikakulam, preferred against the decree in OS NO. 50 of 1983 dated 28.8.89 on the file of the District Munsif's Court, Pathapatham.

BETWEEN:

Executive Officer,

Neelamani Durga Temple

c/o Sri Mukalingeswaraswamy Temple,

Mukhalingam.

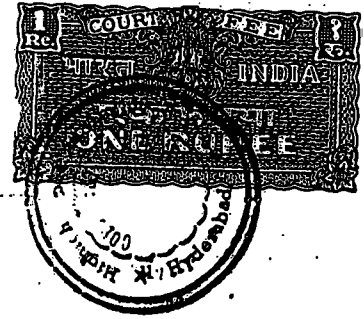
.. Appellant/

Respondent 2nd Defendant.

and

C-107/11

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- 3 -

1. Thonangi Rajulamma
2. A.Suryarao
3. A.Seetharatnam
4. A.Sayamma
5. A.Gangapathirao
6. A.Chinnayya (died)
7. D.Ramanayya
8. P.J^Udistire
9. Hanumanchapalli Chandrabhushanarac .. Respondents

Respondents/Plaintiffs

(RR 7 & 8 not necessary Hence given up 2 to 6 to
10.

For the Appellants: Mr.C.S.K.V.Ramanamurthy, Advocate.

For the Respondent Nos. 2 to 5: Mrs. V.Dyumani, Advocate.

For the Respondent NO.1: None appeared.

The court delivered the following Judgement:

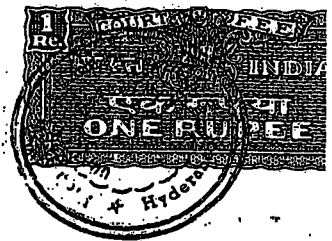
Heard Sri C.S.K.V.Ramanamurthy, learned counsel
for the appellant, and Mrs. V.Dyumani, on behalf of
the respondents.

Defendant NO.2 in these two appeals is the
appellant herein, which arise out of a suit filed
by the respondents/plaintiffs, who are the archakas
in respect of the institution, seeking permanent
injunction restraining the defendants in performing
Archakatvam and other duties.

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The appellant herein was impleaded in the suit in the individual capacity and in his name. Now it is represented that in view of the fact that the appellant subsequently shifted from the said institution and later on died, and that apart the very institution of the suit in respect of which the plaintiffs are claiming such rights, is not a party, and therefore, nothing survives in these two appeals.

The appeals are accordingly dismissed. No costs.

Sd/- A. D. Kelkar,

Dy. Registrar.

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Chrami Reddy
Subdt. of CD Section.

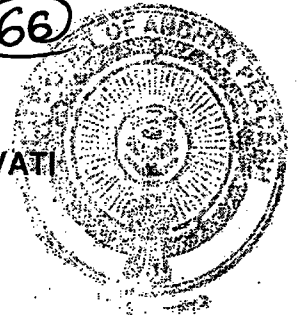
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(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 29724 OF 2022

Between:

A.Durga Prasad, S/o. Surya Rao, Age 62 Years, Hereditary Archaka, Sri
Nilamani Durga Ammavaru Temple, Patapatnam, Srikkakulam District.

...Petitioner

AND

1. The State of Andhra Pradesh, Revenue (Endowments) Department, Rep. By
its Principal Secretary, Office at Velgapudi, secretariat Buildings, Amaravathi,
Guntur District.
2. The Commissioner Endowments Department, Government of Andhra
Pradesh Office at Gollapudi, Vijayawda, Krishna District.
3. Sri Nilamani Durga Ammavaru Temple, Patapatnam, Srikkakulam District.
Rep. By its Executive Officer.

...Respondents

WHEREAS the Petitioner above named through his Advocate Sri D V
Sasidhar presented this Petition under Article 226 of the Constitution of India praying
that in the circumstances stated in the affidavit filed therewith, the High Court may be
pleased to issue an appropriate Writ order or direction more particularly, one in the
nature of Writ of Mandamus, Declaring the action of the 3rd respondent in issuing the
auction notification dated 05-09-2022 for conducting the auction of the licensehold
rights on 15-09-2022 for the collection of the coconut halves, Sarees offered to the
deity and sale of Rakshas (sacred threads) as bad, illegal arbitrary, absurd, void,
against the principles of natural justice, contrary to Sec.13, 142 & 144 of Act 30/87
and violative of Articles 14, 21, 25 and 300A of Constitution of India and
consequently set aside the same.

AND WHEREAS the High Court upon perusing the petition and affidavit filed
herein and upon hearing the arguments of Sri D V Sasidhar, Advocate for the
Petitioner, GP for Endowments for Respondent Nos.1 & 2 and Sri K. Madhava
Reddy, Standing Counsel for Respondent No.3, directed issue of notice to the
Respondents herein to show cause as to why this WRIT PETITION should not be
admitted.

You viz:

1. The Principal Secretary, Revenue (Endowments) Department, State of
Andhra Pradesh, Velgapudi, Secretariat Buildings, Amaravathi, Guntur
District.
2. The Commissioner Endowments Department, Government of Andhra
Pradesh Office at Gollapudi, Vijayawda, Krishna District.
3. The Executive Officer, Sri Nilamani Durga Ammavaru Temple, Patapatnam,
Srikkakulam District.

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are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 13.10.2022, on which date the case stands posted for hearing.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend auction notification dated 05-09-2022 for conducting the auction on 15-09-2022 for the licensehold rights of the collection of the coconut halves, Sarees offered to the deity and sale of Rakshas (sacred threads), pending disposal of WP No. 29724 of 2022, on the file of the High Court.

The Court made the following;

ORDER:

"Notice before Admission.

Heard the counsel for the petitioner.

The Government Pleader for Endowments takes notice for the respondent Nos. 1 & 2.

The standing counsel takes notice for the respondent No.3.

The grievance of the writ petitioner is that the petitioner is a hereditary archaka and he is entitled to collect the coconut halves, sarees offered to the deity and there is no scheme so far evaluating for the archakas with respect to the same by the Commissioner at this stage.

While so, the respondent No.3 hurriedly issued this public auction notice dated 05.09.2022 fixing the date of auction as 15.09.2022 for granting license to collect these coconut halves, sarees offered to the deity by the devotees and for selling of photos and to put ear rings for the children.

The counsel for the petitioner submits that the petitioner as hereditary archaka is entitled to collect items No.1 & 2 and Rakshas only in respect of the item No.3 of the said auction notice dated 05.09.2022 and they cannot be given for lease hold rights by way of impugned auction pending a decision to be taken by the authorities concerned as per the Act and in pursuance of the proceedings of the Commissioner, dated 03.03.2022.

On the other hand, the learned standing counsel submits that so far hereditary archakathvam of the petitioner is concerned there is no disturbance

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to him and there is a prohibition for the shares in Hundi and other rusums under Section 144 of the Act and as per the 2nd proviso of the said section, no scheme is evaluated for the archakas in that regard.

In view of the above said facts and circumstances, the respondents are directed to file a detailed counter in the main writ petition.

In the meantime, the auction proceedings may go on pursuant to the auction notice dated 05.09.2022 but the same shall not be finalized pending further orders.

List on 13.10.2022."

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR



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F

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Endowments) Department, State of Andhra Pradesh, Velgapudi, Secretariat Buildings, Amaravathi, Guntur District.
2. The Commissioner Endowments Department, Government of Andhra Pradesh Office at Gollapudi, Vijayawda, Krishna District.
3. The Executive Officer, Sri Nilamani Durga Ammavaru Temple, Patapatnam, Srikkakulam District (1 to 3 by RPAD- along with a copy of petition and Affidavit)
4. One CC to Sri. D V Sasidhar, Advocate [OPUC]
5. One CC to Sri K. Madhava Reddy, Standing Counsel [OPUC]
6. Two CCs to GP for Endowments, High Court of Andhra Pradesh. [OUT]
7. One spare copy.

MSB



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

W.P. No. of 2025

Between:

A.Durga Prasad, S/o. Surya Rao,
Age 64 Years, Hereditary Archaka,
Sri Nilamani Durga Ammavaru Temple,
Patapatnam, Srikakulam District

...Petitioner

AND

1. The State of Andhra Pradesh,
Revenue (Endowments) Department,
Rep. by its Principal Secretary,
Office at Velgapudi, secretariat Buildings,
Amaravathi, Guntur District.
2. The Commissioner Endowments Department,
Government of Andhra Pradesh
Office at Gollapudi, Vijayawda,
Krishna District.
3. The Regional Joint Commissioner,
Endowments Department,
Rajamahendravaram.
4. The Deputy Commissioner,
Endowments Department,
Visakhapatnam
5. The District Endowment Officer,
Srikakulam, Srikakulam District
6. Sri Nilamani Durga Ammavaru Temple,
Patapatnam, Srikakulam District.
Rep. By its Executive Officer

...Respondents

For the reasons stated in the accompanying affidavit
filed in the support of the above writ petition Pending disposal of the
writ petition it is prayed that this Hon'ble Court may be pleased to
direct the 2nd respondent to consider the petitioner's representation

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GP

DISTRICT :: Srikakulam

HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

I.A. No. of 2025

in

W.P. No. of 2025

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DIRECTION PETITION

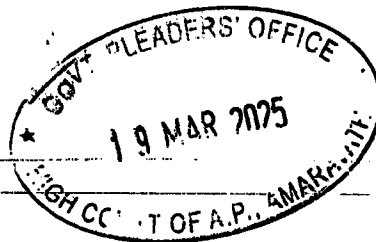
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Filed on:

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SRI D.V.SASIDHAR(10944)

MVS NIKHIL KASHYAP (23588)

COUNSEL FOR PETITIONERS

Acknowledgement No.:



REV070223145

Wednesday, Mar 19, 2025 11:54:13 AM

APOLCMS

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