



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



THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 11857 OF 2025

Between:

Smt.N. Maruthi Mahalakshmi, Guru Pathni of Veera Bhrahmendra Swamy Mutt W/o Late Sri Veerabhoga Vasanta Venkateswara Swamy Varu Aged about 43 years, R/o Sri Mad Virat Pothuluri Veera Bhrahmendra Swamy Mutt Kandi Mallayapalli Village, Brahmamgari Matham Mandal, YSR Kadapa District, AP

...Petitioner

AND

1. The State of Andhra Pradesh, Endowment Department, Rep. by its Principal Secretary, Secretariat Buildings, Velagapudi, Amaravathi, Guntur, Andhra Pradesh.
2. The Commissioner of Endowments, A.P. Endowments Department, Gollapudi - 521225, NTR District, Andhra Pradesh.
3. Andhra Pradesh Dharmika Parishad, Rep. by its Member Secretary, O/o. Commissioner of Endowments, Gollapudi, Vijayawada, Krishna District.
4. The Assistant Commissioner, Endowments Department, Sree Madvirat Pothuluri Veera Brahmendra Swamy Vari Mutt, Kandimallyapalli Village, Brahmamgari Mutt Mandal, YSR Kadapa District, Andhra Pradesh.

5. Sri Sankara Balaji, The Fit Person Sree Madvirat Pothuluri Veera
Brahmendra Swamy Vari Mutt Kandimallyapalli Village, Brahmamangari
Mutt Mandal YSR Kadapa District, Andhra Pradesh

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, order or direction declaring that the Letter in Rc. NO.E2/115021/98/2025, dated 16/02/2025 issued by the 2nd Respondent herein as illegal, arbitrary, unconstitutional, ultra vires, non est in law and void abinitio and consequently, set-aside the same and consequently, direct the Dharmika Parishad, the 3rd Respondent herein to uphold the claim of the Petitioner for interim management as temporary Mathadhipathi.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Letter in Rc. No.E2/115021/98/2025, dated 16/02/2025 issued by the 2nd Respondent herein, pending disposal of the Writ Petition.

IA NO: 2 OF 2025

Between:

1. The Commissioner of Endowments, A.P. Endowments Department, Gollapudi - 521225, NTR District, Andhra Pradesh.
2. Andhra Pradesh Dharmika Parishad, Rep. by its Member Secretary, O/o. Commissioner of Endowments, Gollapudi, Vijayawada, Krishna District.

...Petitioners/Respondents 2 & 3

AND

3. Smt.N. Maruthi Mahalakshmi, Guru Pathni of Veera Bhrahmendra Swamy Mutt W/o Late Sri Veerabhoga Vasanta Venkateswara Swamy Varu Aged about 43 years, R/o Sri Mad Virat Pothuluri Veera Bhrahmendra Swamy Mutt Kandi Mallayapalli Village, Brahmamgari Matham Mandal, YSR Kadapa District, AP

...Respondent/Petitioner

4. The State of Andhra Pradesh, Endowment Department, Rep. by its Principal Secretary, Secretariat Buildings, Velagapudi, Amaravathi, Guntur, Andhra Pradesh.
5. The Assistant Commissioner, Endowments Department, Sree Madvirat Pothuluri Veera Brahmendra Swamy Vari Mutt, Kandimallyapalli Village, Brahmamgari Mutt Mandal, YSR Kadapa District, Andhra Pradesh.
6. Sri Sankara Balaji, The Fit Person Sree Madvirat Pothuluri Veera Brahmendra Swamy Vari Mutt Kandimallyapalli Village, Brahmamgari Mutt Mandal YSR Kadapa District, Andhra Pradesh

...Respondents/ Respondents

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders dated 09.05.2025 passed in W.P.No.11857 of 2025 and order dismiss the main Writ Petition as devoid of merits.

Counsel for the Petitioner: SRI G V S GANESH

Counsel for the Respondent Nos. 1 to 4: GP FOR ENDOWMENTS

Counsel for the Respondent No.5: ----

The Court made the following order:

APHC010226952025



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

[3458]

THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 11857/2025

Between:

1. SMT. N. MARUTHI MAHALAKSHMI, GURU PATHNI OF VEERA BHRAHMENDRA SWAMY MUTT W/O LATE SRI VEERABHOGA VASANTA VENKATESWARA SWAMY VARU AGED ABOUT 43 YEARS, R/O SRI MAD VIRAT POTHULURI VEERA BHRAHMENDRA SWAMY MUTT KANDI MALLAYAPALLI VILLAGE, BRAHMANMANGARI MATHAM MANDAL YSR KADAPA DISTRICT, AP

...PETITIONER

AND

1. THE STATE OF AP, ENDOWMENT DEPARTMENT, REP. BY ITS PRINCIPAL SECRETARY, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR, ANDHRA PRADESH.
2. THE COMMISSIONER OF ENDOWMENTS, A.P. ENDOWMENTS DEPARTMENT, GOLLAPUDI - 521225, NTR DISTRICT, ANDHRA PRADESH.
3. ANDHRA PRADESH DHARMIKA PARISHAD, REP. BY ITS MEMBER SECRETARY, O/O. COMMISSIONER OF ENDOWMENTS, GOLLAPUDI, VIJAYAWADA, KRISHNA DISTRICT.
4. THE ASSISTANT COMMISSIONER, ENDOWMENTS DEPARTMENT,

SREE MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY VARI MUTT, KANDIMALLYAPALLI VILLAGE, BRAHMMAMGARI MUTT MANDAL, YSR KADAPA DISTRICT, ANDHRA PRADESH.

5. SRI SANKARA BALAJI, THE FIT PERSON SREE MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY VARI MUTT KANDIMALLYAPALLI VILLAGE, BRAHMMAMGARI MUTT MANDAL YSR KADAPA DISTRICT, ANDHRA PRADESH

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, order or direction declaring that the Letter in Rc. NO.E2/115021/98/2025, dated 16/02/2025 issued by the 2nd Respondent herein as illegal, arbitrary, unconstitutional, ultra vires, non est in law and void abinitio and consequently, set-aside the same and consequently, direct the Dharmika Parishad, the 3rd Respondent herein to uphold the claim of the Petitioner for interim management as temporary Mathadhipathi and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Letter in Rc. No.E2/115021/98/2025, dated 16/02/2025 issued by the 2nd Respondent herein, pending disposal of the Writ Petition and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders dated 09.05.2025 passed in W.P.No.11857 of 2025 and order dismiss the main Writ Petition as devoid of merits and pass

Counsel for the Petitioner:

1.G V S GANESH

Counsel for the Respondent(S):

1.GP FOR ENDOWMENTS

The Court made the following:

ORDER:-

Heard Sri C.R.Sridharan, the learned Senior Counsel, appearing for learned counsel for the petitioner, Sri G.V.S.Ganesh, learned counsel for the petitioner and learned Government Pleader for Endowments, appearing for the respondents.

2. Challenging the proceedings of the 2nd respondent dated 16.02.2025, appointing a 'Fit Person' for better administration of the Srimad Virat Pothuluri Veera Brahmendra Swamy Mutt, the instant Writ Petition is filed.

3. It is contended that there is no dispute amongst the family members of the deceased mathadhipathi of Veera Brahmendra Swamy Mutt. After the death of the Mathadhipathi on 08.05.2021, the Endowments Department appointed a fit person on 12.06.2021 to manage the affairs of the Mutt.

4. Challenging the said appointment, the petitioner herein, along with her minor son, filed W.P.No.12609 of 2021. The said Writ Petition was allowed setting aside the proceedings of the Dharmika Parishad and leaving it open to the Dharmika Parishad to reconsider and pass resolutions in accordance with the provisions of the Act and the Rules.

5. Aggrieved by the same, Appeal in W.A.No.535 of 2021 was filed. The Writ Appeal was also disposed of granting liberty to the petitioners herein to file their objections and the same were directed to be considered. The Dharmika Parishad was directed to consider the same in light of the provisions of the Act, without reference to any of the observations made by the learned Single Judge in W.P. No.12609 of 2021.

6. It is contended that, pursuant to the said order of the Division Bench, the 3rd respondent rejected the claim of the petitioner to the office of the Mathadhipati. Thereafter, vide proceedings dated 29.11.2021, the 3rd respondent issued two orders:

"(i) Appointing the 4th respondent as a fit person on a temporary basis for day to day management of the mutt, and

(ii) Appointing the Joint Commissioner of Endowments, as the authorized officer to convene a meeting of the mathadhipathis of the other mutts of the same sampradayam and disciples of the Mathadhipati, and submit a report to the 4th respondent to proceed further to recognize the person nominated, in the said meeting, as Mathadhipati."

7. Challenging the same, the son (through second wife) of deceased Mathadhipathi Sri N. Govinda Swamy filed W.P. No.29071 of 2021, and the deceased's first wife's son Sri Noosam Venkatadri Swamy filed a Writ Petition in W.P.No.42248 of 2021, each of them claiming Mathdadhpathyam. This Court, *vide* order dated 09.12.2021, passed an interim order observing that the appointment of the Assistant Commissioner of Endowments as a 'Fit Person' shall remain in force till the disposal of the Writ Petition.

8. The said Writ Petitions were disposed of on 03.10.2024, dismissing the Writ Petition. However, liberty was granted to the petitioner and the respondents to raise objections available under law by filing a civil suit before the competent Civil Court, subject to the law of limitation. Against the said orders, the writ petitioners in the said Writ Petitions, filed appeals in W.A.No.1066 of 2024 and W.A.No.3 of 2025. The Writ Appeals were disposed of observing that:

"21. In view of the same, this Court is inclined to modify the orders of the learned single judge with the following directions:

(i) The claimants, who are claiming succession over the post of Mataadhipathi, through their documents, shall approach the competent Civil Court to undergo the test of eligibility and to prove their respective succession.

(ii) In the meantime, the claimants shall put-forth their claim before the Dharmika Parishad for appointment of Mataadhipathi, as per Section 54(2) of the Act, 1987 and the authorities shall consider the same and nominate accordingly, as per Section 53(2), subject to outcome of the suits filed, if any."

9. While observing thus, the Division Bench further directed that the interim order dated 09.12.2021 granted in the Writ Petition would stand extended until filing of the suit by the parties before the competent Civil Court.

10. Thereafter, orders were passed appointing the 5th respondent as the fit person to manage the affairs of the Mutt and to proceed further to recognize the person nominated in such meeting as Mathadhipati. Hence the instant Writ Petition.

11. Sri C.R.Sridharan, the learned Senior Counsel, appearing for learned counsel for the petitioner, Sri G.V.S.Ganesh, argues that the provisions of Article 25 and 26 of the Constitution of India have been violated. He contends that as per the said Articles, no governmental agency can interfere in respect of the affairs of denominational institution. He further argues that to invoke the provisions of Sec.54 of the Act, there should have been a permanent vacancy. It is his further submission that the departmental officer cannot be appointed as a fit person. He argues that the Dharmika

Parishad cannot interfere in the affairs of the mutts under Sec.52 of the Act.

He relies on the following decisions:-

i) The decision of the Hon'ble Apex Court in the case of ***Sri Sri Sri Lakshmana Yatendrulu and Others Vs. State of A.P. and Another***¹, wherein it is observed as under:

"Section 52 operates for filling up of temporary vacancies in the office of mathadhipati. Sub-section (1) thereof enumerates the circumstances in which the office of mathadhipati temporarily falls vacant, viz., where a dispute exists of the right to succession to the office of Mahant or where the Mahant is a minor and his no guardian fit and willing to act as guardian or where the mathadhipati is under suspension under sub-section (3) of Section 51. On the ex i stence of any of the three grounds, the Commissioner shall, if he is satisfied, after making enquiry in this behalf, that arrangement for administration of the math of the specific endowment, as the case may be, is necessary and after satisfying himself as to such necessity, makes such arrangements as he thinks fit until the disability of the mathadhipati ceases or other mathadhipati succeeds to the office, as the case may be. The satisfaction reached by the Commissioner would be on consideration of the material and other relevant attending circumstances. Sub-section (2) enjoins that the Commissioner, in making interim arrangement for filling up temporary vacancy, shall have due regard to the claims, if any, by the disciples of the math. In other words, the Commissioner is enjoined to make arrangements to fill up the temporary vacancy as an interim measure. He shall endeavour to give due regard to the claims of any of the disciples of the math for management of the math as

¹ (1996) 8 Supreme Court Cases 705

temporary mathadhipati until the disability of the mathadhipati ceases or another mathadhipati duly succeeds to the office, as the case may be. In the case of filling up of the vacancies when the mathadhipati nominated is a minor, sub-section (3) makes available the remedy under the provisions of Andhra Pradesh (Andhra Area) Court of Wards Act, 1902 or Andhra Pradesh (Telangana Area) Court of Wards Act, 1350F, as the case may be, to appoint property or personal guardian under the respective Acts applicable to the place where the math is situated, for appointment of a fit person as guardian to the ward/minor sanyasi mathadhipati to administer the math and the properties attached to the math or specific endowment attached thereto. The appointment of guardian under Court of Wards Act as personal and property guardian would be for due administration of the math and for beneficial enjoyment, the Mahant has in the property or guardian under Hindu Guardianship and Maintenance Act, 1956 as and when it becomes applicable."

ii) The decision of the Hon'ble Apex Court in the case of ***Mohinder Singh Gill and another Vs. The Chief Election Commissioner, New Delhi and others***,²

iii) The decision of the Hon'ble Apex Court in the case of ***Babu Verghese and others Vs. Bar Council of Kerala and others***³ and

iii) The decision of this Court in the case of ***H.H.Jagadguru Channa Basava, Mahaswamy, Matadhipathi Vs. Commissioner of Endowments, Andhra Pradesh, Hyderabad and others***.⁴

² AIR 1978 Supreme Court 851

³ AIR 1999 Supreme Court 1281

12. The learned Government Pleader appearing for the respondents argues that pursuant to the directions of the Court dated 23.09.2021 in W.A No.535 of 2021, order was passed after giving opportunity of hearing to the petitioners in the said Writ Petition *i.e*, the children of the petitioner herein and the children of the deceased through his 1st wife. *Vide* the said order fit person was appointed to meet the contingencies of the day to day administration of the temple and payment of salaries to the staff. Aggrieved by the said orders, the petitioner's minor son represented by the petitioner filed Writ Petition in W.P.No.29071 of 2021 and the first wife's second son of the deceased peetadhipathi filed W.P.42248 of 2022 challenging the action of the respondents in not considering his plea for appointment as Mathdadhipathi. Both the petitioners in the said two Writ Petitions claim appointment as peethadhipathi under a 'Will' said to have been executed by the deceased in their respective favour. The said Writ Petitions were dismissed, granting liberty to the petitioner and the unofficial respondent(s) to approach the Civil Court to avail the remedies as are available under law. Aggrieved by the said order, the petitioner's minor son filed a Writ Appeal in W.A.No.1066 of 2024 and W.A.No.3 of 2025. The Writ Appeals were disposed of *vide* order dated 01.05.2025.

⁴ AIR 1997 ANDHRA PRADESH 213

13. The learned Government Pleader relying on the decision of the Hon'ble Supreme Court in the case of ***Sri Sri Sri Lakshmana Yatendrulu and Others Vs. State of A.P. and Another***⁵, observed as under:

"The satisfaction reached by the Commissioner would be on consideration of the material and other relevant attending circumstances. Sub-section (2) enjoins that the Commissioner, in making interim arrangement for filling up temporary vacancy, shall have due regard to the claims, if any, by the disciples of the math. In other words, the Commissioner is enjoined to make arrangements to fill up the temporary vacancy as an interim measure. He shall endeavour to give due regard to the claims of any of the disciples of the math for management of the math as temporary mathadhipati until the disability of the mathadhipati ceases or another mathadhipati duly succeeds to the office, as the case may be."

He would argue that there is a dispute between the family members with regard to the succession to post of Mathadhipati of the temple and having regard to the administrative issues which cannot wait until the final proceedings are passed by the Dharmika parishad on the claims made by the respective parties, an interim arraignment was made for administration of the temple.

14. Considered the rival submissions.

⁵ (1996) 8 Supreme Court Cases 705

15. The argument of the learned Senior Counsel Sri C.R. Sridharan, is that the provisions of Sec.52 and Sec.55 of the Act have no application to the instant case merits consideration having regard to the fact that there is no temporary vacancy. Vacancy that has arisen is on account of the death of the Mathadipathi, which is not a temporary vacancy, in terms of the provisions of Sec.52 of the Act. It is only in cases of mismanagement or irregularities such as provided under Sec.55, the appointment of fit person would come into play. No such situation as provided under Sec.55 has been made out in the instant case. The task assigned to the Dharmika Parishad, as per the directions of this Court, is to appoint a Mathadhipathi, if a claim is made by both the parties, during the pendency of the civil suit that may be filed by them, as per the orders passed in W.A.No.1066 of 2024, while said exercise is pending, the impugned order is passed.

16. In the said context, it is relevant to refer to the directions of the Division Bench of this Court in W.A.No.1066 of 2024 and W.A.No.3 of 2025 wherein it is observed as under:

"21. In view of the same, this Court is inclined to modify the orders of the learned single judge with the following directions:

(i) The claimants, who are claiming succession over the post of Mataadhipathi, through their documents, shall approach the competent Civil

Court to undergo the test of eligibility and to prove their respective succession.

(ii) In the meantime, the claimants shall put-forth their claim before the Dharmika Parishad for appointment of Mataadhipathi, as per Section 54(2) of the Act, 1987 and the authorities shall consider the same and nominate accordingly, as per Section 53(2), subject to outcome of the suits filed, if any."

17. Having regard to the same, the order impugned in the Writ Petition is set aside. The 3rd respondent is directed to pass appropriate orders on the claims received, pursuant to the order passed by the Division Bench in WA.No.1066 of 2024 and W.A.No.3 of 2025, seeking appointment as *Mathadipathi*, within six (6) weeks from the date of receipt of the order after giving due opportunity to all the claimants. Till such time, the administration of the Mutt shall be under the administration of the Commissioner of Endowments.

18. The Writ Petition is accordingly allowed with the above direction. There shall be no order as to costs.

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

//TRUE COPY//

Sd/- K. TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Endowment Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur, Andhra Pradesh.
2. The Commissioner of Endowments, A.P. Endowments Department, Gollapudi - 521225, NTR District, Andhra Pradesh.

3. The Member Secretary, Andhra Pradesh Dharmika Parishad, O/o. Commissioner of Endowments, Gollapudi, Vijayawada, Krishna District.
4. The Assistant Commissioner, Endowments Department, Sree Madvirat Pothuluri Veera Brahmendra Swamy Vari Mutt, Kandimallyapalli Village, Brahmamangari Mutt Mandal, YSR Kadapa District, Andhra Pradesh.
5. Sri Sankara Balaji, The Fit Person Sree Madvirat Pothuluri Veera Brahmendra Swamy Vari Mutt Kandimallyapalli Village, Brahmamangari Mutt Mandal YSR Kadapa District, Andhra Pradesh
6. One CC to Sri G V S Ganesh Advocate [OPUC]
7. Two CCs to GP for Endowments, High Court of Andhra Pradesh [OUT]
8. Two CD Copies

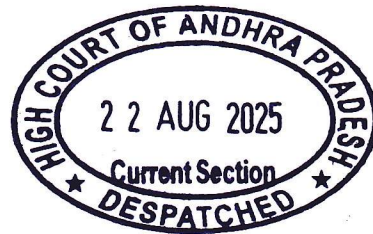
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HIGH COURT

DATED:07/08/2025

ORDER

WP NO. 11857 OF 2025



ALLOWING THE W.P. WITHOUT COSTS