

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI PRASHANT KUMAR MISHRA
AND
THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WP(PIL). NO: 200, 201, 256 OF 2021 AND 32 OF 2022

WP(PIL). NO: 200 OF 2021

Between:

Macineni Uma Maheshwara Naidu, S/o. Madineni Chinnaparthaiiah,
Aged about 49 Yrs, Occ. Farmer, R/o. 9A-46A-99, WARD 09,
Kalyandurgam, Ananthapuramu, AP - 515 761. Mobile No.9640169999,
Email ID. uamaheswarnaidu999@gmail.com, umaheswarnaidu9@gmail.com
Aadhar No.8646 9980 9774, PAN Card No.AARPU1937H,
Bank A/c No.31572200098758 of Canara Bank, 13157-Kalyandurg-515761.

....Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endts.III) Department, Velagapudi, Amaravathi, Andhra Pradesh
2. The Tirumala Tirupathi Devasthanam, Rep by its Executive Officer, TTD, Tirupathi, Chittoor District
3. The Commissioner, Department of Endowments, Gopalapudi, Viayawada
4. B. Karunakara Reddy, S/o. Late B. Jayarami Reddy, Hindu, Aged about 64 years, Occ: M.L.A of Tirupathi Constituency, R/o. Padmavatipuram, Tirupati, Chittoor District

(R-4 as impleaded as respondent vide orders passed in I.A No.3 of 2021 in WP (PIL) No.200 of 2021 dated 21.01.2022.

...Respondents

Petition under Article 226 of the Constitution of India, 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 State Government in promulgation of Ordinance, vide Andhra Pradesh Ordinance No.2 of 2022, dated 09/02/2022, that An Ordinance further to amended the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and inserted Section 97-C and 97-D and also amended Section 103 for nominating 55 members as special invitees (advisors); (5 members to the TTD Board and 50 members to the Temple), including Two GOs vide (i) G.O.Rt. NO.569, dated 15/09/2021 of Revenue (Ends.III) Department and (ii) G.O.Rt.No.568, dated 15/09/2021 of Revenue(Ends.III) Department in nominating 52 special invitees to Tirumala Tirupati Devasthanam by giving privileged on part with the members TTD Trust Board regarding Darshan and their tenure, which is illegal, arbitrary, ultra-vires, unreasonable, manifestly erroneous and capricious and also contrary to the Section 96 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Acts, 1987, and also violation of Articles 25 and 213 of the Constitution of India and consequently set aside the same.

Main prayer amended vide orders passed in I.A No.2 of 2022 in WP(PIL) No..200 /2021, dated 19/04/2022)

IA NO: 1 OF 2021

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 call for the record of nomination process of 81 members to the TTD Board to show explain in what field they are experts and how their nominations preserves the social, economic, religious and environmental character of the TTD as stated in their nomination orders, pending disposal of WP(PIL) No. 200 of 2021, on the file of the High Court.

IA NO: 2 OF 2021

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 the two Government orders, Vide G.O.Rt.No.569, dated. 15/09/2021 of Revenue (Endts.III) Department and G.O.Rt.No.568, dated. 15/09/2021 of Revenue (Endts.III) Department in nominating the 52 Special Invitees to Tirumala Tirupati Devasthanam by giving privilege on par with the members of TTD Trust Board regarding Darshan, pending disposal of WP(PIL) No. 200 of 2021, on the file of the High Court.

IA NO: 4 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 pass an order directing to implead the petitioner as party Respondent No.5 and to give opportunity to hear the petitioner.

The petition coming on for hearing and upon perusing the petition and affidavit filed herein and order of the High Court dated 22-09-2021, 22.02.2022 & 19.04.2022 made herein and upon hearing the arguments of Sri Y Balaji Advocate for the Petitioner, Sri S. Sri Ram Advocate General for Respondent Nos 1 & 3, and Sri.S.S.Pasad Senior Counsel for Respondent No.2 and Sri CH. Siva Reddy, Advocate for Respondent No.4.

WP(PIL). NO: 201 OF 2021

Between:

Kakumanu Lalith Kumar, S/o K Narasimha Rao, Occupation. Founder of Hindu Jana Shakti Welfare Association Age.39, Flat No 502, Sri Venkata Sai Heights, Plot No C 24,25 Road No 6, Prashanthi Hills, Nizampet, K V Rangareddy District Telangana 500090 Phone No. 9848040789 Aadhar Card No. 464991459145 A/c.00000020334712432 State Bank of India, PragathiNagar Branch PAN No. DYQPK4699C.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary to Government 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary Endowments Department, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
3. Tirumala Tirupati Devasthanams, Rep. by its Executive Officer, TTD Administrative building, K.T Road, Tirupathi. Chittoor District, Andhra Pradesh.

..Respondents

Petition under Article 226 of the Constitution of India, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of Respondents in issuing impugned G.O. Rt.No 568 and G.O. Rt.No. 569 dated 15.09.2021 as illegal, arbitrary and ultra vires the constitution of India and consequently quash or set aside impugned G.O. Rt.No 568 and G.O. Rt.No. 569 dated 15.09.2021 as violative of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act of 1987 and Articles 14 21 and 25 of the Constitution of India.

IA NO: 1 OF 2021

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 forthwith suspend the impugned G.O. Rt.No 568 and G.O. Rt.No. 569, dated 15.09.2021 pending disposal of WP(PIL) 201 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court, dated 22.02.2022, 22.09.2022 & 19.04.2022 made herein and upon hearing the arguments of Sri Umesh Chandra P V G Advocate for the Petitioner, GP for General Administration for Respondent No.1, GP for Endowment for Respondent No.2 and of Sri A. Sumanth, Standing Counsel for Respondent No.3.

W.P.(P.I.L.) NO: 256 OF 2021

Between:

Sreenivasulu Palepu, S/o.Balabrahmam, Aged about 47 years, Occ Academician, R/o.H.No.9-91, Tellapadu Village, Maddipadu Mandal, Prakasam District, Andhra Pradesh State - 523263. Phone No. 9902451315, Aadhar Card No. 745995428951, A/c.30516026066, State Bank of India, Battarahalli Branch PAN No. AKJPP9532H.

.....Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary to Government 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments Wing) Department, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
3. The State of Andhra Pradesh, Rep. by its Commissioner of Endowments, Gollapudi, Vijayawada, Krishna District, Andhra Pradesh.
4. Andhra Pradesh Dharmika Parishad, Rep. by its Member Secretary, O/o. Commissioner of Endowments, Gollapudi, Vijayawada, Krishna District.

.....Respondents

Petition under Article 226 of the Constitution of India, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to set aside the The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, 2021 as it is in categorical violation of Articles 25 & 26 of the Constitution of India and a slew of judgments pronounced by the Hon'ble Supreme Court of India. Issue any such other and further order(s) in addition to or in substitution for the above prayer(s).

Prayer amended vide Orders passed in I.A.No.1/22 in WP(PIL) No.256/21, dt.24.02.2022

IA NO: 1 OF 2021

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to Stay all further proceedings in pursuance to or consequent upon The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Act, 2021 as it is in categorical violation of Articles 25 & 26 of the Constitution of India and a slew of judgments pronounced by the Hon'ble Supreme Court of India, pending disposal of the Writ Petition (PIL) 256 of 2021, on the file of the High Court.

Prayer amended as per Orders passed in I.A.No.1/22 in WP(PIL) No.256/21 dt.24.02.2022

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri.Umesh Chandra P.V.G. Advocate for the Petitioner, learned Government Pleader for General Administration for Respondent No.1, learned Government Pleader for Revenue for Respondent Nos.2 & 3.

WP(PIL). NO: 32 OF 2022

Between:

Gudipalli Bhanu Prakash Reddy, Gudipalli Bhanu Prakash Reddy, Aged about 50 years. S/o Gudipalli Rama Krishna Reddy, Rio Door No. 18-3-60/C4, Shanthi Nagar, Near Alipiri Police Station, Khadi Colony Tirupathi (Urban), Chittoor District, Andhra Pradesh-517501.

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government. Endowments Department, A.P Secretariat, Velagapudi, Guntur District, Andhra Pradesh
2. Tirumala Tirupathi Devasthanams, Represented by its Executive Officer, Administrative Building, K T Road, Tirupati, Chittoor District.

Petition under Article 226 of the Constitution of India, 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. by granting the following reliefs

- a. To declare the Andhra Pradesh Ordinance No. 2 of 2022 notified/ published vide Gazette dated 11.02.2022, i.e. Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2022 promulgated by the Governor as being illegal, arbitrary, unjust and ultra vires of the provisions of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and violative of the Preamble of the Constitution of India and Articles 14, 25, 26 and 213 of the Constitution of India, and
- b. Consequently to set aside the Andhra Pradesh Ordinance No.2 of 2022 notified/ published vide Gazette dated 11.02.2022 i.e. Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2022.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court of Andhra Pradesh [OUT] Court may be pleased to direct the Respondents herein not to consider or treat any person or persons as being appointed as "Special Invitee/s" by virtue of the promulgation of the Andhra Pradesh Ordinance No. 2 of 2022 notified/ published vide Gazette dated 11.02.2022 i.e. Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2022, pending disposal of the Writ Petition and pass such order or orders that deems fit and proper in the facts and circumstances of the case, Pending disposal of WP(PIL) 32 of 2022, on the file of the High Court of Andhra Pradesh [OUT] Court.

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court of Andhra Pradesh [OUT] Court may be pleased to suspend the operation of Andhra Pradesh Ordinance No. 2 of 2022 notified/ published vide Gazette dated 11.02.2022 i.e. Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 2022, pending disposal of the Writ Petition and pass such order or orders that deems fit and proper in the facts and circumstances of the case., Pending disposal of WP(PIL) 32 of 2022, on the file of the High Court of Andhra Pradesh [OUT] Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court of Andhra Pradesh [OUT] Court, dated 28.02.2022, 31.03.2022 & 19.04.2022 upon hearing the arguments of Sri N. Ashwari Kumar Advocate for the Petitioner, GP for Endowments for the Respondent

No.1 and of Sri A. Sumanth, Standing Counsel for Respondent No.2, the Court made the following.

COMMON ORDER:

(Through physical mode)

As agreed upon by the learned counsel for the parties, post these cases after three weeks.

Interim orders passed earlier shall continue.

**SD/-M.SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, Revenue (Endts.III) Department, State of A.P., Velagapudi, Amaravathi, Andhra Pradesh
2. The Executive Officer, Tirumala Tirupathi Devasthanam, TTD, Tirupathi, Chittoor District
3. The Commissioner, Department of Endowments, Gopalapudi, Viayawada
4. The Chief Secretary to Government, State of Andhra Pradesh, 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
5. The Principal Secretary, Revenue (Endowments Wing) Department, State of Andhra Pradesh, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh.
6. The Commissioner of Endowments, State of Andhra Pradesh, Gollapudi, Vijayawada, Krishna District, Andhra Pradesh.
7. The Member Secretary, Andhra Pradesh Dharmika Parishad, O/o. Commissioner of Endowments, Gollapudi, Vijayawada, Krishna District (1 to 7 by RPAD)
8. One CC to Sri. Y Balaji Advocate [OPUC]
9. Two CCS to Sri S. Sri Ram, Advocate General, High Court of A.P., at Amaravati (OUT)
10. One CC to Sri S. Prasad, Senior Counsel, High Court of A.P., at Amaravati (OPUC)
11. One CC to Sri Ch. Siva Reddy, Advocate (OPUC)
12. One CC to Sri N. Ashwani Kumar Advocate (OPUC)
13. Sri Umesh Chandra P V G Advocate
14. Two spare copies

SRL

JURT

DVSSJ

ED:22.06.2022

TE: POST THESE CASES AFTER THREE WEEKS

P(PIL), NO: 200, 201 & 256 OF 2021 AND 32 OF 2022

EXTENSION OF EARLIER INTERIM ORDER

