

APHC010441662024



**IN THE HIGH COURT OF ANDHRA PRADESH [3310]
AT AMARAVATI
(Special Original Jurisdiction)**

THURSDAY ,THE THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

IA 1 OF 2024 & IA 2 of 2024

IN

WRIT PETITION NO: 22555/2024

Between:

P V Midhun Reddy

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.K RAGHU VEER

Counsel for the Respondent(S):

1.GP FOR ENDOWMENTS

The Court made the following:

COMMON ORDER:

I.A.No.1 of 2024 is filed under Section 151 of CPC seeking to direct the 5th respondent to follow the protocol of G.O.Ms.No.59 General Administration (Protocol-A) Department, dated 11.04.2018 by rectifying the warrant of precedence of protocol by following G.O.Ns,.No.59 General Administration (Protocol-A) Department dated 11.04.2018 forthwith

2. **I.A.No.2 of 2024** is filed under Section 151 CPC seeking to direct the 5th respondent not to allow the 6th respondent to offer Pattu Vastramulu to

Sri Boyaganagamma Temple on 4.10.2024 or any other day during the Dusshera celebration forthwith pending disposal of the writ petition.

3. The case of the petitioner is that he was elected in the recent Parliamentary election as Member of Parliament (Lok Sabha) and he was also elected as Member of parliament earlier two terms from the same parliamentary constituency and he was a former panel speaker of Lok Sabha and Lok Sabha floor leader of YCP Party. Thus he has been in public service to the people of the Rajampet Parliament Constituency. The 5th respondent herein performing Dusshera Celebration of Sri Boya Gangamma starts from 4.10.2024 to 12.10.2024 and for the said festival the 5th respondent published invitation in violation of the warrant of precedence of protocol guidelines issued by the 1st respondent in G.O.Ms.No.59 General Administration Department, dated 11.04.2018. The 6th respondent is not having any elected post and he is only Telugu Desham Party In-charge of Punganur Constituency and he is now offering Pattuvastramulu on 4.10.2024 as per the invitation given to the petitioner by 5th respondent. As per the warrant of precedence, the 6th respondent is neither an elected member nor Government officer of endowment department. The 6th respondent is only a political party in-charge of Punganur Assembly constituency and therefore he cannot be permitted by the 5th respondent to offer the Pattuvastramulu Sri Boyakonda Gangamma Devi in the Dusshera celebrations on 04.10.2024 or any other subsequent date. Accordingly, the petitioner made a representation to the 4th respondent and similarly to the 2nd respondent and Hon'ble Speaker of Lok Sabha on

01.10.2024. But the respondents No.2 to 5 are not taking any action so far. Hence, the present writ petition.

4. Heard Sri K.G. Krishna Murthy, learned Senior Counsel representing Sri K.Raghuveer, learned counsel appearing for the petitioner and Sri D.Yathindra Dev, learned counsel representing learned Advocate General Office, appearing for the respondents No.1 to 4.

5. On hearing, learned Senior Counsel appearing for the petitioner while reiterating the averments made in the petition, requests this Court to grant interim reliefs as prayed for.

6. Per contra, learned counsel for the respondents while denying the contents made by the learned counsel for the petitioner, has placed reliance on G.O.Ms.No.888 Revenue (Endowments-II) Department, dated 26.09.2023, and submits that, as per the said GO, the Government has authorized the dignitary to Dr. Peddireddy Ramachanda Reddy garu, Hon'ble Minister for Energy Forest, Environment, Science & Technology, Mines & Geology to present Pattu Vastrams to Sri Boyakonda Gangamma Devasthanam, Diguwapalle (v), Chittoor District on behalf of the Government of Andhra Pradesh on 21.10.2023, so as to decorate the same to Sri Ammavaru on the day of Durgadevi Alankaram. He further relied on Section 13 of A.P. Charitable & Hindu Religious Institution & Endowment Act, 1987 (for short "the Act"), which reads as under:

Section 13 : Commissioner etc., to observe appropriate form, usages and practices.

The Commissioner, the Additional Commissioner, a Regional Joint Commissioner, a Deputy Commissioner, an Assistant Commissioner and every other person, exercising powers or performing the functions under this Act, shall not interfere with and shall observe the forms, usages, ceremonies and practices obtaining in and appropriate to the religious institution or endowment in respect of which such powers are exercised or functions are performed and in the case of a math, act in conformity with the rules, practices, usages or customs of the math in his dealings with the head of the math.

(2) The Commissioner, shall subject to such directions as the Government may give from time to time, prepare a code of conduct for the trustees, archakas and other office holders, servants and employees and for the persons visiting worshipping at or restoring to a religious institution or endowment and different codes may be prepared in relation to different classes of institutions or endowments.

(3) Any person violating the code of conduct so prepared shall be liable to be evicted from the premises of the institution or endowment.

7. Learned counsel for the respondents while relying on the above, submits that, as per the above Section, the Commissioner is having power to issue directions with regard to ceremonies, practices and usages of Charitable Institutions and it is not a State function of the Government of Andhra Pradesh. So, there is no such strict adherence to follow the said G.O.Ms.No.59, dated 11.04.2018 . Therefore, he opposed for grant of any interim relief in these applications.

8. On hearing the submissions, it is observed that whatever proceedings issued by the Government vide G.O.Rt No.888, dated 26.9.2023 it appears that, it is the discretion of the Government. They are not followed protocol and exercised the discretion to make appointment and make protocol of Pattuvastrams to Sri Boyakonda Gangamma Devasthanam, on behalf of Government of A.P. Similarly this year also, while conducting to present Pattu Vastrams to Sri Boyakonda Gangamma Ammavaru, at their discretion to consider the name of the 6th respondent to present Pattu Vastramulu to Sri Boyakonda Gangamma Ammavarau on behalf of the Government of A.P.

Accordingly, they only issued Notification, but they are not issued any G.Os. It clearly establishes that they are not following protocols only they are exercising the discretion of the Government.

9. In the present case, the petitioner is only relying on the G.O.Ms.No.59, dated 11.4.2018 for warrant of precedence. Further it is observed that it is not customary and that too they are not following any customary considerations while considering the protocols and further they are exercising the discretion of the Government.

10. So, in view of the foregoing discussion, this Court is not inclined to grant any interim relief in these applications and they are liable to be dismissed.

11. Accordingly, these I.A.no.1 and 2 of 2024 are dismissed.

DR. K. MANMADHA RAO, J.

WP No.22555 of 2024

Notice before admission.

Post the matter on 17.10.2024

In the meanwhile, the respondents shall file counters.

DR. K. MANMADHA RAO, J.

Gv/