



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

[3458]

**MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 9002/2025

Between:

V Hari Priya and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. V HIMABINDU

Counsel for the Respondent(S):

1. T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)

2. GP FOR ENDOWMENTS

WRIT PETITION NO: 18777/2015

Between:

Smt. veena Kamalamma, and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. V V N NARASIMHAM

2..

Counsel for the Respondent(S):

1. T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)

2. GP FOR ENDOWMENTS (AP)

3.A SREEKANTH REDDY(SC FOR ENDOW RS)

4.K V N BHUPAL

WRIT PETITION NO: 18109/2018

Between:

V. Kireeti Varadan and Others

...PETITIONER(S)

AND

State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.V V N NARASIMHAM

Counsel for the Respondent(S):

1.T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)

2.GP FOR ENDOWMENTS (AP)

WRIT PETITION NO: 16359/2023

Between:

K Ramachandracharyulu

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.D V SASIDHAR

Counsel for the Respondent(S):

1.GP FOR ENDOWMENTS

The Court made the following:

COMMON ORDER:

Heard Sri V.Venugopal, learned Senior Counsel appearing for Ms. V.Hima Bindu, Sri V.V.N.Narasimham, Sri D.V.Sasidhar, learned counsel for

the petitioners, learned Government Pleader for Endowments and Sri T.Venu Gopal, learned Standing Counsel for Endowments.

2. The issue raised in the instant writ petition concerns the right of the executive officer of the temple to conduct an auction of leasehold rights in respect of the subject properties.

3. The petitioners, claiming to be archakas of the temple, contend that the proposed auction is contrary to the scheme of arrangement and agreement of 1972 & 1880, respectively, entered between archakas and the temple. The Writ Petition No. 9002 of 2025 is filed challenging the proceedings under the auction notification issued by the respondents in respect of the subject land. It is contended that the 5th respondent temple is notified under Section 6 (b) and the 6th respondent temple is notified under Section 6 (c) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, "the Act"). It is contended that in terms of the judgment of the Supreme Court in the case of ***A.S.Narayana Dikshitulu Vs. State of Andhra Pradesh***, Section 6 (c) and Section 6 (b) temples, where the salaries to the archakas are not paid, they can retain the lands which have been in their possession in lieu of their salary.

4. Thus, it is contended that since the subject temples are the temples published under Section 6B/6C, the respondents ought to have allowed them to be in possession and enjoyment of the property, in lieu of their salary.

5. According to the petitioners, the 1st petitioner is a qualified archaka having qualified in the Pravesa Examination in Pancharatra Agamam. The 2nd petitioner had also qualified for the Pravesa Examination, and the 3rd petitioner had qualified for the Vara Examination with Pancharatra Agamam.

6. The learned Senior Counsel, Sri V. Venugopal, placing reliance on the proceedings of the Commissioner of Endowments dated 29.06.1972, contends that the said proceedings referred to an old agreement of 1885, under which two extents of land, namely, an extent of Ac. 18.71 cents in Sy. No.163, belonging to Sri Anjaneya Swamy Temple, and an extent of Ac. 12.24 cents & Ac. 17.03 cents of land in Sy. No.199 and Sy. No.543, belonging to Sri Madhava Swamy Temple, was permitted to be retained in the possession and enjoyment of the archakas of the subject temples. It was noted therein that the said entire extent in Sy. No.163 should remain with the possession of the archakas, and they would be entitled to the income derived from the said property.

7. The learned Senior Counsel, further relying on the G.O.Ms.No.439 dated 21.10.2019, under which a scheme has been formulated governing the conditions of service and payments of emoluments to archakas, contends that in terms of the said provisions, the petitioners are entitled to enjoy the lands until such time the scheme is finally formulated. He further places reliance on the proceedings of the Special Commissioner, Office of the Commissioner, Endowments Department, dated

09.11.2020, wherein it is specified that the Executive Officer shall not interfere with the service of Inam lands until the scheme is brought into force.

8. The respondent No.5 has filed a memo adopting the counter-affidavit filed in the other writ petitions in W.P.No.15786 of 2024 and W.P.No.15432 of 2022, a copy of which has been annexed to the memo. It is stated that the issues raised in both writ petitions are identical, and the parties are the same. Therefore, to avoid repetition, adopt the same counter filed in W.P.No.15786 of 2024 and W.P.No.15432 of 2022.

9. It is stated in the counter affidavit that the 1st petitioner Smt. V. Haripriya, is not a hereditary archaka at the subject temple. She has been working as an Anganwadi Worker for more than 30 years and is not entitled to archakatvam under the title of hereditary archakatvam. It is further stated that the petitioner's husband is alive and is rendering archakatvam in another temple within the same district. Neither her husband nor his forefathers were ever recognized as hereditary arachakas of the subject temple, either under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 or as on the date of coming into force of the Act 30 of 1987. It is further contended that the 2nd petitioner had not rendered any archakatvam at the subject temples, and it is not even their case that their father or grandfathers have rendered any archakatvam in the subject temple. And she has been residing in another village along with her husband. The learned Standing Counsel, Sri T. Venu Gopal, appearing for the temple, placing reliance on the judgment of this Court reported in

1997 (1) ALD 312, contends that the petitioners are not entitled to any notice before the notice for conducting the auction is issued.

10. Considered the submissions.

11. For adjudication of the issue raised in the case, it is relevant to extract the relevant provisions of the statute:

Section 34 of the Act 30 of 1987 reads as follows:

“34. Abolition of hereditary rights in Mirasidars, Archakas and other office holders and servants: (1)(a) Notwithstanding anything in any compromise or agreement entered into or scheme framed or sanad or grant made or judgment, decree or order passed by any Court, Tribunal or other authorities prior to the commencement of this Act and in force on such commencement, all rights, whether, hereditary, contractual or otherwise of a person holding any office of the Pedda Jeeyangar, Chinna Jeeyangar, a Mirasidar or an Archaka or Pujari or any other office or service or post by whatever name it is called in any religious institution or endowment shall on the commencement of this Act stand abolished.

(b) Any usage or practice relating to the succession to any office or service or post mentioned in Clause (a) shall be void;

(c) All rights and emoluments of any nature in cash or kind or both accrued to and appertaining to any office or service or post mentioned in Clause(a) and subsisting on the date of commencement of this Act shall on such commencement stand extinguished.

(2) Every office holder and servant mentioned in Clause(a) of sub-section(1) holding office as such on the date of commencement of this Act shall, notwithstanding the abolition of the hereditary rights, continue to hold such office or post on payment of only such emoluments and subject to such conditions of service referred to in sub-sections (3) and (4) of Section 35.

[(3) Notwithstanding anything contained in sub-sections (1) and (2) of this section, the qualified members of those Archaka families which were continuing in archakatvam service under the provisions of the repealed the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 and recognised as such by the competent authority shall continue to have the right to archakatvam without having any right to emoluments such families used to receive earlier under Act 17 of 1966. However they shall receive emoluments in accordance with the scheme under Section 144.]

[(4) Notwithstanding anything contained in sub-sections (1) and (2) above, the Sannidhi Yadavas working in Tirumula Tirupati Devasthanams shall continue to have Hereditary Rights as they were enjoying prior to commencement of this Act.]”

And Section 144 of the Act reads as follows:

“144. Abolition of shares in Hundi and other rusums:-
Notwithstanding any judgment, decree or order of any Court, Tribunal or other authority or in any scheme, custom, usage or agreement, or in any manual prepared by any institution or in any Farmana or Sanad or any deed or order of the Government to the contrary governing any charitable or religious institution or endowment, all shares which are payable or being paid or given or allowed at the commencement of this Act to any Trustee, Dharmakartha, Mutawalli, any office holder or servant including an Archaka or Mirasidar and share or shares, in the Kanukas offered either in kind or in cash or both by the devotees either in Hundi, Plate or otherwise, or any rusums in the Archana or Seva tickets and tickets for tonsuring or any rusums collected from the person for the performance of marriage or Upanayanam and the like, all offerings made in the premises of the Temple or at such places as may be specified by the Trustee, all Prasadam and Panyarams offered either by the Temple or devotee, and such other kinds of offerings, all shares in the lands of the institution or endowment allotted or allowed to be in possession and enjoyment of any archaka, office holder or servant towards remuneration or otherwise for rendering service and for defraying the "Paditharam" and other expenses connected with the

service or management of the temple, shall stand abolished with effect on and from the commencement of this Act.

[Provided that the above said provision shall be applicable only for those institutions whose annual income as defined under Section 65 exceeds Rs.5.00 lakhs per annum:

Provided further that notwithstanding anything contained in this section, the Commissioner shall be competent to frame a separate scheme in case of such institutions where he satisfies himself for the reasons to be recorded in writing that framing of such a scheme is necessary stipulating the conditions of service and payment of emoluments to the Archakas, office holders and servants of the institution. Such a scheme shall come into force only after approval of the Dharmika Parishad.]

Explanation:- *For the purposes of this sub-section, the cookedrice or such other things, offered to the deity towards "Nitya Nyvedyam" alone as per the dittam, permitted by the Executive Officer or trustee to be appropriated by the Archaka or other servants of the temple shall not be considered as offerings."*

12. Having regard to the above provisions of the Act and in the facts of the case as prevailing, the petitioners cannot claim any right over the subject properties. It is pertinent to observe that even if the respondents continue the services of petitioners, the petitioners would be entitled for emoluments as provided under Section 144 of the Act 30 of 1987. A Division Bench of this Court in the earlier round of litigation in W.A.No.69 of 2019 dealt with the very same issue and observed that under the scheme of the Act 30 of 1987, the agreement entered between the office holders and the management is of no relevance.

13. After coming into force of the Act 30 of 1987, the office holders are only entitled for emoluments as may be fixed u/s.144 of the Act. At this

juncture it is relevant to refer to the observations of the Hon'ble Apex Court in the case of ***A.S.Narayana Dikshitulu Vs. State of Andhra Pradesh***, wherein it is observed as follows:

“.....Therefore, with the abolition of the hereditary right, the right to receive customary payment associated with an office equally stood abolished under Section 144. Section 144 is consequential to Section 34 and other similar rights like Section 16 of the Act. Resultantly, the right to receive a share in the Prasadam etc. stood abolished. Holder of an office is entitled to payment of salary prescribed under the rules for services rendered by an archaka etc. Consequently, the right to a share by customary practices or usages or under a contract with management also stood abolished. They are regulated by making payment of the monthly salary to the holder of an office in accordance with the scales prescribed under the rules made thereunder.....”

14. The G.O.Ms. No.439 dated 21.10.2019, upon which the learned senior counsel Sri Venugopal has placed reliance, would not apply to the issue raised in the instant case, inasmuch as the said G.O. deals with the hereditary archaka scheme and the rule of succession to the office of the (hereditary) archaka. Even if the petitioners claim that they are entitled to hold the office of the archaka in terms of the said G.O.Ms.No.439 dated 21.10.2019, the provisions of Section 34 (3) of the Act unambiguously provide that the archakas are entitled to have only the emoluments as prescribed or fixed under Section 144 of the Act.

15. In view of the above referred provisions of the Act and the judgment of Hon'ble Apex Court, in the facts of the case, the petitioners cannot have any right over the subject properties.

16. In view of the foregoing, the writ petitions are dismissed. There shall be no order as to costs.

As a sequel, interlocutory applications, pending if any, shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Date:01.12.2025

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THE HON'BLE SMT. JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION Nos.9002 of 2025, 16359 of 2023, 18109 of 2018
and18777 of2015

Date:01.12.2025

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