

**THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO**

**WRIT PETITION Nos.18299 & 22303 of 2021**

**COMMON ORDER:-**

As these two writ petitions are essentially in the nature of cross actions and relate to the same issue, they are being disposed of by this common order.

2. The controversy revolves around the relocation of the Deity in Sri Mahankali Ammavari Temple situated at Issappalem hamlet of Mulakaluru village, Narasaraopet Mandal, Guntur District and the relocation of the tomb, with the bust, of late Smt.Gunji Chukkamma on the ground of reconstruction of the Temple.

3. It is the case of the 1<sup>st</sup> petitioner in W.P.No.18299 of 2021, who is the daughter of late Smt.Gunji Chukkamma, that her mother out of her attachment towards her native village and on account of her devotion to Sri Mahankali Ammavaru had got installed the Deity of "Sri Mahankali Ammavaru" on the vacant site belonging to her with the assistance of the 2<sup>nd</sup> petitioner who was closely associated with her. The said Deity was installed on 17.03.1976 in accordance with the relevant Agama sastras and Rites and Rituals performed by Vedic scholars and purohiths. As the initial site was not sufficient, a further extent of 75 <sup>3</sup>/<sub>4</sub> cents of land in Sy.No.57A of the said village had been purchased by Smt. Late Gunji Chukkamma. Over time a large number of

persons in and around the locality and adjacent Districts came to repose immense faith in the said Deity. The temple was further developed by installation of "Sikhara Kalasham" etc. Subsequently, another 17 ½ cents of land was added to the temple premises by obtaining the same under a registered deed of sale dated 07.01.1985.

4. It is the case of the petitioners that on account of these developments and additions made by Late Smt. Gunji Chukkamma, it must be acknowledged that it is Late Smt. Gunji Chukkamma and the 2<sup>nd</sup> petitioner who were instrumental in the establishment of the temple and the Deity and that they would have to be treated as hereditary trustees of the temple. It is also stated that the Assistant Commissioner, Endowments Department, who is arrayed as respondent No.4, by his proceedings in Rc.No.A5/11338 of 1996 dated 19.10.1996, had recognized the 1<sup>st</sup> petitioner as a founder trustee on the basis of the representation made by her mother late Smt. Gunji Chukkamma. Subsequently, late Smt. Gunji Chukkamma passed away in 1998 and her bust was installed in the premises of the temple on account of her role in the development of the temple and the request made by devotees attending the temple. She was also buried in the temple premises. The petitioner further states that as there was a controversy around her status as a member of the founder family, she had moved O.A.No.84 of 2008, before the Deputy Commissioner, Endowments Tribunal, Guntur to

declare her as a member of the founder family of the temple. This application appears to have been dismissed.

5. At this stage, a move was made for reconstruction of the temple. This reconstruction is said to have been necessitated on various grounds. Firstly, the Temple is a cement building with an RCC roof. This structure is developing cracks and patches of the roof have fallen off and it would be better to reconstruct the Temple rather than undertake repairs. Secondly, the highway adjoining the temple is being widened. This widening would require the temple to give up some land and the present location of the temple, within the reduced compound, would cause congestion to the devotees visiting the temple.

6. Keeping these factors in mind, a proposal was moved to reconstruct the Temple, within the same compound, by constructing a stone temple, after ensuring adequate space around the structure of the Temple for proper movement of the devotees. The petitioners herein had opposed the proposed reconstruction during the discussions held in this regard. However, the respondents have decided to go ahead with the proposal and have started to collect donations from the devotees for taking up the reconstruction.

7. The petitioners have now approached this Court, by way of W.P.No.18299 of 2021 on the ground that the said reorganization/reconstruction of the temple cannot be permitted and any such action would be violative of Articles 25

and 26 of the Constitution of India. The petitioners have raised the following contentions:

- i) The plan for reconstruction of the temple was conceived by the respondents 2 to 5 at the behest of the political leaders of the locality who have no understanding of the history of the temple or the manner in which the temple had been constructed.
- ii) The proposed reconstruction involves the shifting of the Deity from the original place and the same is impermissible as the petitioners and other devotees earnestly believe that the original idol which was installed in 1976 cannot be moved and any such movement would be inauspicious.
- iii) The tomb of late Smt. Gunji Chukkamma, which is in the temple, is also proposed to be shifted from its original place and any such move would hurt the religious sentiments of not only petitioners but also other devotees of the temple, at whose wish and request, the said tomb had been constructed.
- iv) The Agama sastras and necessary scriptures stipulate that a Deity which has once been installed cannot be moved for any purpose and

relocation of the Deity would violate the agama  
sastras.

**W.P.No.22303 of 2021**

8. This writ petition is filed by a person who is said to be a devotee of the temple and therefore, is an interested person, as per Section 2 (18) of the Andhra Pradesh Charitable Hindu Religious Institutions and Charitable Endowments Act, 1987. The petitioner states that a proposal was moved for renovating the temple with the help of donors in the course of which the cement structure of the temple was proposed to be replaced with a stone structure. Further, the Deity was to be shifted about 100 feet for this purpose. The petitioner further states that the estimated expenditure for the renovation/reconstruction of the temple would be around three crores. He further submits that various persons, including the petitioner, had come forward to donate funds for the said reconstruction. The petitioner offered to donate Rs.50,000/-. At that stage, the petitioner came to know that the reconstruction of the temple was stalled on account of the interim direction of this Court dated 28.06.2021 in W.P.No.18299 of 2021. After making enquiries, the petitioner states that the contention of the petitioners in W.P.No.18299 of 2021, that they are founder family members of the temple, is itself false and the application of the 1<sup>st</sup> Petitioner in W.P. No. 18299 of 2021, for such recognition filed originally as O.A.No.84 of 2008, which was renumbered as O.A.No.1340 of 2010 was dismissed, on merits, by the A.P. Endowments Tribunal, on

19.01.2012 itself and as such, the 1<sup>st</sup> petitioner cannot claim to be a founder family member of the temple.

9. The Petitioner contends that the Petitioners, in W.P. No. 18299 of 2021, have raised untenable pleas solely to delay and scuttle the reconstruction of the temple and not because of any valid grievances. A further contention has been raised that the writ petition itself is not maintainable as the claim of the petitioners, that they are founder family members, had been rejected by the Endowment Tribunal.

10. The respondents would submit that the 2<sup>nd</sup> objection of the petitioner is misplaced as there is no proposal to move the tomb of late Smt. Gunji Chukkamma.

11. The respondents in W.P.No.18299 of 2021 had filed counter affidavits, disputing the contentions of the petitioners. The respondents contend that they had consulted various agama experts who had given written opinions stating that such a translocation of the Deity is permissible. It was only after obtaining such advise that the proposal for reconstruction of the temple was taken up in earnest. These opinions were also filed before this court.

**Consideration of the Court:**

12. The question of maintainability of W.P.No.18299 of 2021 requires to be considered at the outset. It is the contention of the writ petitioner in W.P.No.22303 of 2021 and the respondents in W.P.No.18299 of 2021 that the petitioner in

W.P.No.18299 of 2021 is not entitled to maintain the writ petition on the ground that she is not a member of the founder family.

13. Section 2 (18) (b) states that any person who is entitled to attend or is in the habit of attending the performance of service, charity or worship connected with the institution, would be a person having interest. The contention of the petitioners, in W.P.No.18299 of 2021, that they have been attending and participating in various religious ceremonies and other activities of the temple has not been denied. In the absence of any such denial, it would have to be taken that the petitioners are devotees of the temple who attend various ceremonies and services and would have to be treated as persons having interest.

14. The term “persons having interest” has a certain significance. Section 92 of the Civil Procedure Code provides that, any two “persons having interest”, can move the court where intervention of the court, in the management of any charitable or religious trust, is required. The term “persons having Interest” has not been defined in the Code. However, it has been interpreted to include actual worshippers at a temple. (see **AIR 1921 PC 84, AIR 1920 Mad 665 and AIR 1971 Mad. 278**). The same definition is now incorporated in the Andhra Pradesh Endowments Act, 1987. The Endowment Act has also given a significant place for persons falling under this category. For example, Section 43 (5) requires, the

concerned Assistant Commissioner of Endowments to give an opportunity of hearing to such persons, before taking a decision on the registration of an institution under the Act. This is a recognition of the fact that devotees of a temple are entitled to have a say in the manner in which an Institution or temple is run and it cannot be said that such persons having interest cannot be permitted to approach this court when there are complaints of mismanagement or violation of the methods of worship or essential religious practices. The Hon'ble Supreme Court in ***Bishwanath v. Thakur Radha Ballabhji, (1967) 2 SCR 618 : AIR 1967 SC 1044***, held as follows:

9. Three legal concepts are well settled: (1) An idol of a Hindu temple is a juridical person; (2) when there is a Shebait, ordinarily no person other than the Shebait can represent the idol; and (3) worshippers of an idol are its beneficiaries, though only in a spiritual sense. It has also been held that persons who go in only for the purpose of devotion have, according to Hindu law and religion, a greater and deeper interest in temples than mere servants who serve there for some pecuniary advantage: see *Kalyana Venkataramana Ayyangar v. Kasturi Ranga Ayyangar* [(1916) ILR at Mad, 212, 225] . In the present case, the plaintiff is not only a mere worshipper but is found to have been assisting the 2nd defendant in the management of the temple.

10. The question is, can such a person represent the idol when the Shebait acts adversely to its interest and fails to take action to safeguard its interest. On principle we do not see any justification for denying such a right to the worshipper. An idol is in the position of a minor when the person representing it leaves it in a lurch, a person interested in the worship of the idol can certainly be clothed with an *ad hoc* power of representation to protect its interest. It is a pragmatic, yet a legal solution to a difficult situation.

As such the petition would be maintainable.



15. The Petitioners are citizens of India, who are entitled to the protection available under Articles 25 and 26 of the Constitution of India. The scope and ambit of these provisions have been interpreted by the Constitutional Courts. Without referring to the long and prolific line of judgements in this regard, it would suffice to state that, these Articles protect the rights of the Petitioners herein to ensure that the methods of worship and principles of Temple construction and maintenance, followed by the denomination of the Petitioners, which are an essential part of their religious denomination, are followed. They would be entitled to approach this court, in the event of any complaint of violation of these rights. The present Petition would, therefore, be maintainable on this score also.

16. The contention of the petitioner, in W.P.No.18299 of 2021, is that, the method and manner in which the reconstruction of the temple is proposed to be carried out would violate the religious sentiments and beliefs of the devotees who attend this temple. The petitioner also contends that the method of renovation is clearly in violation of 'Agama sastras' and necessary scriptures. The respondents and other persons, who are seeking to renovate the temple contend that the petitioner is merely delaying and interfering with renovation activities which are essential for a proper development of the temple and for the benefit of the devotees of the temple. The two objections that are being raised for undertaking the renovation/reconstruction of the temple are --

- i) The main deity is being shifted from the original place and the same is impermissible; and
- ii) The tomb of late Smt.Gunji Chukkamma is also proposed to be shifted from its original place and the same is also impermissible as it hurts religious sentiments of not only the petitioners but also other devotees of the temple.

17. The respondents have filed affidavits stating that the tomb of late Smt. Gunji Chukkamma is not being disturbed. The same is recorded with a direction to the respondents not to disturb the tomb of late Smt. Gunji Chukkamma.

18. Sri M. Chalapathi Rao learned counsel, appearing for the petitioners submits that the petitioners, as citizens of India, are entitled to the protection of Articles 25 and 26 of the Constitution of India. He submits that these provisions, as interpreted by the Hon'ble Supreme Court and various High Courts, give protection, not only to the higher aspects of religion, but also essential religious practices, such as the ceremonies that need to be performed in temples and the manner in which temples are constructed and maintained.

19. He contends that it is settled law that once an idol has been consecrated in a temple, it cannot be moved for any purpose on a permanent basis. Any change of location of the consecrated idol would be a violation of the Agama sastras, regulating the conduct of worship in temples and the

petitioners are entitled to the relief of a direction being given to the respondents, not to move the main deity of the temple, under the guise of reconstruction of the temple.

20. In support of his contentions, he relied upon the following judgments:

- 1) **Durgah Committee, Ajmer and another Vs. Syed Hussain Ali and Others<sup>1</sup>.**
- 2) **Narayan Bhagwantrao Gosavi Balajiwale Vs Gopal Vinayak Gosavi and Others.<sup>2</sup>**
- 3) **His Holiness Srimad Perarulala Ethiraja Ramanuja Jeeyar Swami Vs. The State of Tamil Nadu<sup>3</sup>.**
- 4) **A.C.Bhanunni @ Valluvanattukara & Othes Vs. The Commissioner, Hindu Religious & Charitable Endowments (Admn.) Dept & Others<sup>4</sup>.**
- 5) **Hari Raghunath Patvaedhan Vs. Antaji Bhikaji Patvardhan & Others<sup>5</sup>.**
- 6) **Chockalingam (now dies) vs. Nambi Pandiyan & Others<sup>6</sup>.**
- 7) **Unreported Judgment dated 07.06.2021 in *Suo Motu* W.P.No.574 of 2015 and W.P.(MD) No.24178 of 2018.**

21. It is a trite saying that Hinduism is not a religion, but a way of life, taking into it's fold various religious beliefs, practices and systems of worship. The early Vedic religion of ritual and sacrifices gave way to a temple centric form of worship across the spectrum of deities that are worshipped in India. The rise of temple worship also brought in the Agama

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<sup>1</sup> AIR 1961 (SC) 1402

<sup>2</sup> AIR 1960 (SC) 100

<sup>3</sup> AIR 1972 (SC) 1586

<sup>4</sup> 2011 2 KLJ 667;2011 2 KLT 312

<sup>5</sup> AIR 1920 Bom 67(2)

<sup>6</sup> 2010 5 LW 769

sastras which prescribed and regulated the entire gamut of worship in temples, commencing from the construction of the temples. In this regard, the Hon'ble Supreme Court, in **Sri Venkataramana Devaru v. State of Mysore**<sup>7</sup> had held as follows:

There has been difference of opinion among the writers as to whether image worship had a place in the religion of the Hindus, as revealed in the Vedas. On the one hand, we have hymns in praise of Gods, and on the other, we have highly philosophical passages in the *Upanishads* describing the Supreme Being as omnipotent, omniscient and omnipresent and transcending all names and forms. When we come to the *Puranas*, we find a marked change. The conception had become established of Trinity of Gods, Brahma, Vishnu and Siva as manifestations of the three aspects of creation, preservation and destruction attributed to the Supreme Being in the *Upanishads*, as, for example, in the following passage in the *Taittiriya Upanishad, Brigu Valli, First Anuvaka*:

“That from which all beings are born, by which they live and into which they enter and merge.”

The Gods have distinct forms ascribed to them and their worship at home and in temples is ordained as certain means of attaining salvation. These injunctions have had such a powerful hold over the minds of the people that daily worship of the deity in temple came to be regarded as one of the obligatory duties of a Hindu. It was during this period that temples were constructed all over the country dedicated to Vishnu, Rudra, Devi, Skanda, Ganesha and so forth, and worship in the temple can be said to have become the practical religion of all sections of the Hindus ever since. With the growth in importance of temples and of worship therein, more and more attention came to be devoted to the ceremonial law relating to the construction of temples, installation of idols therein and conduct of worship of the deity, and numerous are the treatises that came to be written

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<sup>7</sup> 1958 SCR 895 : AIR 1958 SC 255

for its exposition. These are known as *Agamas*, and there are as many as 28 of them relating to the *Saiva* temples, the most important of them being the *Kamikagama*, the *Karanagama* and the *Suprabhedagama*, while the *Vikhanasa* and the *Pancharatra* are the chief *Agamas* of the *Vaishnavas*. These *Agamas*, contain elaborate rules as to how the temple is to be constructed, where the principal deity is to be consecrated, and where the other *Devatas* are to be installed and where the several classes of worshippers are to stand and worship.

22. According to the *Agamas*, an image becomes defiled if there is any departure or violation of any of the rules relating to worship, and purificatory ceremonies (known as *Samprokshana*) have to be performed for restoring the sanctity of the shrine.

23. The Hon'ble Supreme Court, while considering the question of what would constitute essential religious practices of a religion or denomination had held, as follows, in ***Commr., Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, 1954 SCR 1005 : AIR 1954 SC 282.***

20. The contention formulated in such broad terms cannot, we think, be supported. In the first place, what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself. If the tenets of any religious sect of the Hindus prescribe that offerings of food should be given to the idol at particular hours of the day, that periodical ceremonies should be performed in a certain way at certain periods of the year or that there should be daily recital of sacred texts or oblations to the sacred fire, all these would be regarded as parts of religion and the mere fact that they involve expenditure of money or employment of priests and servants or the use of marketable commodities would not make them secular activities partaking of a commercial or economic character; all of them are religious practices and should be regarded as matters of religion within the meaning of Article 26(b). What Article 25(2)(a) contemplates is not regulation by the State of religious practices as such, the freedom of which is guaranteed by the Constitution except when they run counter

to public order, health and morality but regulation of activities which are economic, commercial or political in their character though they are associated with religious practices.

24. In the present case, it is the contention of the petitioners that it is an essential part of their religious belief that the deity in the respondent temple cannot be changed and any such change would damage and hurt the religious sentiments of not only the petitioners but also a large number of devotees, who offer their worship in the respondent-temple. This would mean that if the petitioners are able to demonstrate that the movement of a consecrated idol is prohibited under any of these practices or principles, the petitioners would be entitled to the issuance of Writ of Mandamus as prayed by them.

25. The construction, maintenance and the method of worship in a temple and the ceremonial law pertaining to temples are contained in texts called Agama sastras. There is no universal Agama sastra regulating worship in a temple. Each major stream of worship has its own set of Agama sastras. There are Saivite Agama sastras, Vaishnava Agama sastras, Shakta Agama sastras etc. It must also be noted that even within these streams of worship, different Agama sastras may be followed. For example, Vaishanava Agama sastras are essentially divided into Vaikhanasa Agama sastra and Pancharatra Agama sastra. The temple which follows the Pancharatra Agama sastra would rely upon the customs set out in the Pancharatra Agam sastra as opposed to the Vaikhanasa Agama sastra. Similarly, temples following the Vaikhanasa Agama sastras would not follow the

principles of Pancharatra Agama sastra in derogation to the principles set out under the Vaikhanasa Agama sastra.

26. In such circumstances, the statement of the petitioners that movement of the idol is against their essential religious practice is not sufficient. The petitioners would be required to point out the relevant Agama sastra that is being followed in the temple and the passages in the authoritative texts of that Agama sastra to show that there cannot be any relocation of the principal deity, once it has been consecrated at a particular place. In the alternative, the petitioners could also establish that a particular belief or practice is an essential part of the religion followed by the denomination of the petitioners, by way of adducing any other evidence or by placing necessary material. In the present case, the petitioners have not stated as to the Agama sastra that is being followed in this temple nor has any passage from the said Agama sastra, which prohibits such movement of the deity, has been placed before this Court.

27. Sri M.Chalapathi Rao learned counsel, appearing for the petitioners, relied upon the Judgment of the High Court of Madras in **Suo motu W.P.No.574 of 2015** and the Judgments reported in **Chockalingam (now dies) vs. Nambi Pandiyan & Others Durgah Committee, Ajmer and another Vs. Syed Hussain Ali and Others<sup>8</sup>**, **Narayan Bhagwantrao Gosavi Balajiwale Vs Gopal Vinayak Gosavi and Others<sup>9</sup>**, to

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<sup>8</sup> AIR 1961 (SC) 1402

<sup>9</sup> AIR 1960 (SC) 100

contend that relocation of the idol is not permissible subsequently.

28. In **Narayan Bhagwantrao Gosavi Balajiwale Vs Gopal Vinayak Gosavi and Others**, the Hon'ble Supreme Court was dealing with a question as to whether a particular place of worship was a public temple or a private residence in which there was a family deity.

29. Submissions had been made before the Court to the effect that since the idol had not been formally installed and was movable, the said deity should be treated as a family deity only. In support of this contention, the judgment of the Hon'ble High Court of Bombay in **Hari Raghunath Patvaedhan Vs. Antaji Bhikaji Patvardhan & Others** was cited. This judgement had held that, according to the religious texts, an idol can be removed permanently only where the idol is damaged and not where the temple is dilapidated. It would be permissible to move the deity temporarily till the temple is repaired and that a Manager under Hindu law has no power to affect permanent removal of an image in the teeth of opposition of a large number of worshipers.

30. The Hon'ble Supreme Court after considering this Judgment noted as follows:

*“The case is an authority for the proposition that the idol cannot be removed permanently to another place, because that would be tantamount to establishing a new temple. However, if the public agreed to temporary removal, it could be done for a valid reason”.*



31. A Single Judge of the Hon'ble High Court of Madras in **Chockalingam (now dies) vs. Nambi Pandiyan & Others.**, took the view that this observation of the Court is in fact a finding of law given by the Hon'ble Supreme Court and had held, in the case before the Hon'ble High Court of Madras, that an idol cannot be moved permanently irrespective of any requirement or contingency and directed that an idol which had earlier been moved should be brought back to its original location.

32. Sri M.Chalapathi Rao learned counsel, appearing for the petitioners relying on these two Judgments would submit that there has been a finding given by the Hon'ble Supreme Court which was followed by the Hon'ble High Court of Madras holding that an idol in a temple cannot be moved at all.

33. I am afraid, I am unable to agree with this contention. In my view, the observation of the Hon'ble Supreme Court mentioned above was not a finding given by the Hon'ble Supreme Court but only an observation that the Judgment cited before the Hon'ble Supreme Court was an authority for a certain proposition. I am inclined to this view because of the subsequent paragraphs in the Judgment of the Hon'ble Supreme Court. The Hon'ble Supreme Court in a subsequent paragraph also considered a Judgment of the Hon'ble High Court of Madras which had held that where worshippers of a temple decide to build a new temple on

account of the existing temple being in ruins or in a place which is inconvenient and unsanitary, there is no clear prohibition against demolition of the temple and building of a new temple. After taking note of this Judgment, the Hon'ble Supreme Court had held as follows:

*“In view of these circumstances and the cases to which we have referred, and in view, further, of the fact that no text or authority was cited against such course of conduct with the consent of the worshipping public, we do not see any reason for holding that the temple was private and the deity, a family idol”.*

34. In view of this finding given by the Hon'ble Supreme Court, it is clear that Hon'ble Supreme Court has not given out any affirmation either to the Judgment of the Hon'ble High Court of Bombay or Judgment of the Hon'ble High Court of Madras. It may also be noted that in the case before the Hon'ble Supreme Court, it was an admitted case that the deity was taken out of the place of worship on various occasions and had even travelled to different parts of India, for worshipers to have a chance of offering worship to the said deity. The Hon'ble Supreme Court, after taking note of this fact had still held that the place of worship in question was a public temple. This finding would not be possible, if the earlier finding was that no such movement of an idol in a public temple is permissible.

35. A Division Bench of the Hon'ble High Court of Madras in the case of **Akila and K.Periyakaruppan Vs.**

**Government of Tamil Nadu**<sup>10</sup> had considered the question of translocation of a deity in a public temple, on account of the said land being required for construction of a new assembly complex. The Division Bench had held that translocation of the deity to another place is permissible as long as the said translocation is done without a mala fide intention and with all due respect and appropriate ceremonies being conducted for the said purpose. The Division Bench had also taken the view that the Agama sastras make a distinction between Swayambhu idols and manmade idols. The distinction being, that swayambhu idols cannot be moved while man made idols can be moved.

36. As noted above, the petitioners have not relied upon any specific Agama sastra or any passage of any Agama sastra to support their stand. On the other hand, the respondents have produced opinions obtained from experts in Agama sastras to contend that the proposed translocation of the deity is in accordance with the Agamic principles applicable to the respondent-temple.

37. In these circumstances, the petitioners could not demonstrate that contention that translocation of the idol would be violative of the religious practices of the respondent-temple. In view of this, no relief can be granted to the petitioners in W.P.No.18299 of 2021.

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<sup>10</sup> 2009 (4) CTC 143

38. Accordingly, W.P. No. 18299 of 2021 is dismissed. In the light of the dismissal of W.P.No.18299 of 2021, the relief sought in W.P.No.22303 of 2021 has worked itself out and the said writ is closed.

Miscellaneous petitions, pending if any, shall stand closed.

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**JUSTICE R.RAGHUNANDAN RAO**

Date : 25-03-2022

RJS

**THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO**

**WRIT PETITION Nos.18299 & 22303 of 2021**

**Date : 25.03.2022**

RJS

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

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**WRIT PETITION Nos.18299 & 22303 of 2021****Between:**

1. Yellanti Renuka, W/o.Koteswara Rao, aged about 54 years, Hindu, R/o.D.No.5-1-248/N/1, Sriram nagar colony, Khammam, Krishna District.

2. Dara Navanitha bhai, W/o.Sara Hanumantha Rao, aged about 83 years, Hindu, R/o.H.No.9-11-102, Opp.Gella Function Hall, Kaman Bazaar, Khammam, Khammam District.

... Petitioners

And

1. State of A.P. Rep.by its Principal Secretary Revenue (Endowments) Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.

2. The Commissioner of Endowments, Gollapudi, Vijayawada.

3. Deputy Commissioner Endowments, Guntur, Guntur District.

4. The Assistant Commissioner, Endowments Department, Guntur District.

5. Sri Mahankali Ammavari Temple, Issappalem Village, Narasaraopet Mandal, Guntur District, Rep.by its Executive Officer.

... Respondents

**Date of Judgment pronounced on : 25-03-2022****HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO**

1. Whether Reporters of Local newspapers  
May be allowed to see the judgments? : Yes/No
2. Whether the copies of judgment may be marked  
to Law Reporters/Journals: : Yes/No
3. Whether the Lordship wishes to see the fair copy  
Of the Judgment? : Yes/No

**\*IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI****\* HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO****+ WRIT PETITION Nos.18299 & 22303 of 2021****% Dated: 25-03-2022**

1. Yellanti Renuka, W/o.Koteswara Rao, aged about 54 years, Hindu, R/o.D.No.5-1-248/N/1, Sriram nagar colony, Khammam, Krishna District.

2. Dara Navanitha bhai, W/o.Sara Hanumantha Rao, aged about 83 years, Hindu, R/o.H.No.9-11-102, Opp.Gella Function Hall, Kaman Bazaar, Khammam, Khammam District.

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1. State of A.P. Rep.by its Principal Secretary Revenue (Endowments) Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.

2. The Commissioner of Endowments, Gollapudi, Vijayawada.

3. Deputy Commissioner Endowments, Guntur, Guntur District.

4. The Assistant Commissioner, Endowments Department, Guntur District.

5. Sri Mahankali Ammavari Temple, Issappalem Village, Narasaraopet Mandal, Guntur District, Rep.by its Executive Officer.

... Respondents

! Counsel for Petitioners : M.Chalapathi Rao

^Counsel for Respondents : Government Pleader for Endowments

<GIST:

>HEAD NOTE:

? Cases referred:

- <sup>1</sup> AIR 1961 (SC) 1402
2. AIR 1960 (SC) 100
3. AIR 1972 (SC) 1586
- <sup>4</sup>. 2011 2 KLJ 667;2011 2 KLT 312
5. AIR 1920 Bom 67(2)
- <sup>6</sup>. 2010 5 LW 769
- <sup>7</sup>. 1958 SCR 895 : AIR 1958 SC 255
- <sup>8</sup>. AIR 1961 (SC) 1402
- <sup>9</sup>. AIR 1960 (SC) 100
- <sup>10</sup>. 2009 (4) CTC 143