THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.21596 OF 2023

O R D E R

In this Writ Petition, the petitioners are seeking a Writ of Mandamus declaring the action of the 2nd respondent in directing respondents 3 and 4 to stop payment of salaries to the petitioners on the pretext of enjoying temple lands in Survey Nos.1222, 1229, 1232, 1234, 1235, 1251, 1252, 1316, 1401/A, 1401/AA, 1403/A, 1403/AA, 1197, 537 and 1347 totally admeasuring an extent of Ac.57.16 gts., situated at Huzurnagar Town and Mandal, Suryapet District, as bad, illegal, arbitrary, opposed to law and in violation of principles of natural justice and to pass such other order or orders as this Court may deem fit and proper.

2. Brief facts leading to the filing of this Writ Petition are that the petitioners herein were appointed as Archakas of Sri Venugopala and Seetha Ramachandra Swamy Temple, Huzurnagar Village and Mandal, Suryapet District (4th respondent herein) by the proceedings of the Manager in Rc.No.6/SVG SSRCST/2013 dt.30.11.2013 and petitioner

No.1 was permitted to render his services in rotation *vide* proceedings dt.18.01.2019 along with one Narasimha Charyulu who was appointed along with petitioners 2 and 3 and since the date of being appointed as Archakas, the petitioners are rendering their services and are drawing regular pay scales. It is submitted that all the petitioners hail from the family of Hereditary Trustees and Archakas from time immemorial and the family of the petitioners was uninterruptedly rendering their services and all of them are recognized as Hereditary Office Holders. It is submitted that the fathers of petitioners 1 to 3 were recognised as members of the founders family to the 4th respondent temple and are also exercising their rights as founders and in lieu thereof, certain lands were granted to the families of the petitioners and that they are personal grants and the subject lands were in no way connected to the temple and therefore, the temple has no right, title or interest in the said lands. It is submitted that the occupancy rights certificate relating to these lands was issued in favour of the fathers of petitioners 1 to 3 by the competent authority under the Inams Abolition Act and since the same was not challenged, it has become final and the fathers of the petitioners were enjoying the same without any hindrance.

3. It is submitted that the 3rd respondent, *vide* proceedings dt.20.07.2019, indicated that the lands belonging to the 4th respondent temple in various survey numbers admeasuring Ac.57.16 gts., which were Inam lands, were removed from the records of the temple as temple lands and the same are being enjoyed by getting a patta of these lands and the petitioners are also enjoying the status as Archakas by taking salaries. The proceedings also referred to the report being submitted to the 3rd respondent by the Executive Officer of the 4th respondent temple relating to the steps being taken for resuming the land. Accordingly, a show-cause notice was issued to the petitioners to which the petitioners submitted a detailed explanation indicating that the petitioners did not possess occupancy rights certificate and also that they have nothing to do with the lands and that they are restricting their claims and rights only to the archakathvam which is being rendered by them to the 4th respondent temple. Thereafter, after considering the same, the 2nd respondent issued a direction to the 3rd respondent to stoop the payment of salaries to the petitioners. Challenging the said action, the petitioners filed a Writ Petition before this Court in W.P.No.28538 of 2019 and *vide* orders dt.24.12.2019, the Writ Petition was disposed of

directing the respondent No.3 to pass appropriate orders on the explanation submitted by the petitioners. When the same was not complied with, the petitioners filed C.C.No.677 of 2021, wherein respondents 3 and 4 have filed their counter affidavits submitting that they have no role to play on the issue relating to the payment of salaries to the archakas since it was only done under the directions of the Commissioner of Endowments. The counter also indicated that the Commissioner of Endowments has written to the Chief Commissioner of Land Administration for mutating the name of the temple as owner of various extents of properties which stood in the names of the fathers of the petitioners who obtained occupancy rights certificates in the year 1995. The petitioners allege that the respondents are insisting that until the petitioners agree to transfer the entire land in favour of the temple, they will not be paid their salaries and that forcibly they have obtained the signatures of the petitioners that they will be transferring the lands in favour of the temple. Alleging that it is an illegal act and also that the 2nd respondent is arbitrarily threatening the archakas to transfer the properties in the name of the temple instead of filing an appeal before the Joint Collector, Suryapet District, the present Writ Petition has been filed.

4. The respondents have filed a counter affidavit countering all the arguments of the petitioners. An additional counter affidavit has also been filed to bring on record the appeal filed by respondent No.4 against the occupancy rights certificate issued in favour of the fathers of the petitioners.

5. Having regard to the rival contentions and the material on record, this Court finds that the only issue that is required to be adjudicated in this case is whether the petitioners, who are working as Archakas, are entitled to the salaries for the archakathvam rendered by them in the 4th respondent temple or whether they are only entitled to enjoy the lands which have been granted to their fathers and occupancy rights certificates have also been granted to them as Hereditary Archakas of the temple. As seen from the appointment letter of Archakas dt.30.11.2013, the petitioners have made a representation to the respondents stating that they are the sons of Sri Naragirinathuni Raghavacharyulu, Naragirinathuni Seetharama Charyulu and Naragirinathuni Ramakrishnama Charyulu respectively who were declared as Hereditary Archakas of the subject temple by order dt.18.10.1977 in O.A.No.117 of 1976 of the Deputy Commissioner,

Endowment Department, Hyderabad and that there are vacancies in the posts of Archakas of the temple and hence requested to appoint them as Archakas in the existing vacancies as they hail from Hereditary Archaka families and also are entitled to be appointed as Archakas as per the amended Section 35 of Act 30 of 1987. Their names were duly considered and proposals were submitted and having observed that the applicants have passed the Archaka examinations, such as Pravesha, Vara and Pravara recognised by the Endowments Department, they were appointed to three Archaka posts in the pay scale of Rs.4,825/-, Rs.6,000/- and Rs.4,260/- respectively. The petitioners were also required to give sworn affidavits stating that out of the five Archaka families, two of them have left archakathvam service long back and the remaining three families are looking after the archakathvam service till date and that they belong to the said three families and that they will render services for which also the others have agreed to. It is also noticed that the Commissioner, *vide* proceedings dt.28.11.2013, had sanctioned three posts of Archakas, i.e., in addition to one regular post which existed in the temple. The posts sanctioned are one post of regular Archaka, one Archaka post on consolidated basis and one post of Paricharika in the cadre strength on religious side to which the

petitioners have been appointed. The petitioners have also drawn the attention of this Court to the salary certificates issued on 04.05.2019 in support of their contention that the salaries were paid as per the sanctioned pay scale regularly till 2019. On 09.01.2019 also, by taking into consideration the proposal submitted by the Deputy Commissioner, Endowments Department, Hyderabad to allow the services to be rendered by the petitioners, the Additional Commissioner has permitted the 1st petitioner to render services as Archaka in the subject temple only on the ground that he hails from the family of Hereditary Archakas. Thus, it can be seen that the petitioners have been appointed as Archakas only because they belong to the family of Hereditary Archakas of the temple and were paid salaries regularly. However, the respondents have stopped payment of salaries to the petitioners from the year 2021 onwards on the ground that the land of the temple to the extent of Ac.57.16 gts., under Section 43 of the Inams Abolition Act was being enjoyed by the Hereditary Archaka Family Members for acting as Sthanachary and was being enjoyed by the Archakas who used to perform Dhoopa Deepa Naivedyam in the temple and that the said land was mutated in their names duly deleting the name of the temple from the revenue records. Observing that the Hereditary Archaka Family

Members as well as the Archakas are enjoying the temple lands and have also obtained pattas in their names as per the then revenue records, the salaries of the Archakas were stopped. The Archakas, i.e., the petitioners herein have, however, expressed their opinion that they have no objection in transferring the land in the name of the temple but the land is not in their names and the temple may take appropriate steps for the same. It is stated that the respondents are therefore required to take up the matter with the Hereditary Archakas of the temple to re-convey the land in the name of the temple instead of stopping the payment of salaries to the petitioners/Archakas. Though, it is noticed that it is only on the proposal of the Hereditary Archakas that the petitioners have been appointed as Archakas, it is done with the permission and concurrence of the Commissioner of Endowments and therefore, it cannot be said that the Archakas are not entitled to the salaries for the services rendered by them. The usufruct of the land which is mutated in the names of the fathers of the petitioners is being enjoyed by their fathers and the Archakas, who are majors and are married, are a separate family and are therefore separate from their parents. The mutation of the land in the names of the fathers of the petitioners is only done as they

are Hereditary Archakas and have rendered Dhoopa Deepa Naivedyam to the 4th respondent temple during their tenure as Archakas.

6. Further, it is also noticed that the respondents have filed an appeal against the order of occupancy rights certificates issued in favour of the fathers of the petitioners. Therefore, the salary is to be paid to the petitioners without reference to the occupancy rights certificates issued to the fathers of the respective petitioners.

7. The Writ Petition is accordingly allowed. No order as to costs.

8. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

JUSTICE T. MADHAVI DEVI

Date: 28.03.2024

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