

HONOURABLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.18216 OF 2015

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Date: 29.06.2015

Between :

Pujari Laxmanna, S/o. late Pujari Keshavarayappa,
Age: 60 years, R/o. 3-25, 43-K-Udegolam, Kanekal
Mandal, Ananthapur District, A.P., and others.

... Petitioners

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Department of Endowments, Secretariat,
Hyderabad and others.

... Respondents

The Court made the following:

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ORDER:

According to the petitioners, their father late Keshavarayappa was the hereditary Archaka of Lord Anjaneyaswamy and Venugopalaswamy temples situated at 43.K Udegolam, Kanekal Mandal, Ananthapur District. The Archakatvam was performing without taking any remuneration and in view of the performance of Archakatvam, land to an extent of Ac.29.25 guntas in Sy.No.171 of the village was granted as Devadayam in the year 1861 to their ancestors. By cultivating the said land, they have been performing sevas to deities. Petitioners have been conducting archakatvam and maintaining their livelihood with the income derived from the said land. There was no financial support given from the respondent authorities since the year 1861. This writ petition is instituted aggrieved by the notification issued on 18.06.2015 to conduct auction of the lands for a period of three years from 2015 to 2018. For the first time this decision was taken to conduct public auction. Such auction was opposed without prior notice or opportunity to the petitioners.

2. Learned standing counsel, on instructions, produced a letter written by the petitioners to the Assistant Commissioner of Endowments, Ananthapuram. In the said letter, they have stated that they be permitted to cultivate the land in the year 2014 and auction can be conducted in the year 2015 and that they would vacate the lands. The said statement was made by them in the presence of the Ex-Sarpanch on 22.09.2014. Learned standing counsel further submits that as the petitioners are performing Archakatvam, they are being paid Rs.2,500/- per month and it is now proposed for enhancement to that of Rs.5,000/- per month and, therefore, it cannot be said that the petitioners are poor

persons and that they are rendering services without any remuneration.

3. At this stage, learned counsel for the petitioners submits that petitioners be given an opportunity to establish that they are poor persons and are entitled to take benefit of provision contained in Section 82 of the Endowments Act, 1987 and work out their remedies elsewhere. Having regard to the fact that the petitioners have given statement on their own to vacate the lands and agreeing to respondent-temple conducting auction to lease the lands, it cannot be said that steps initiated by the respondents to conduct public auction as erroneous and illegal. In fact, even otherwise it is open to the respondent-temple to grant lease by conducting public auction and there cannot be extension of lease for unspecified time and without payment of proper lease amount.

4. The above observations made in the writ petition are for disposal of this writ petition and do not come in the way of petitioners to work out their remedies including their claim that they are landless poor persons and they are entitled to avail benefit of provision contained in Section 82 of the Endowments Act, 1987.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE P.NAVEEN

RAO

Date: 29.06.2015

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Oval:

HON'BLE SRI JUSTICE P.NAVEEN RAO

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