

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

WRIT PETITION No.10651 of 2012

-

DATED : 05.11.2015

Between :

Devella Srinivasulu S/o.D.Guru Swamy,
Aged about 42 yrs, Occu : Archaka of
Sri Ramalingeswara Swamy Temple,
Sirusuvada Village, Kothuru Mandal,
Srikakulam District.

.. Petitioner

and

The Deputy Commissioner,
Endowments Department,
Visakhapatnam & 2 others.

.. Respondents

This court made the following :

THE HON’BLE SRI JUSTICE P.NAVEEN RAO

-

-

WRIT PETITION No.10651 of 2012

-

ORDER :

The averments in the affidavit filed in support of the writ petition discloses that the forefathers of the petitioner constructed Sri Ramalingeswara Swamy temple, in their private land and have set apart Ac.10.69 cents of land at Kothuru village, of Sirusuvada Mandal, Srikakulam District, for the purpose of Dhoopa Deepa Naivedyam. According to the petitioner, for the last four generations, their family has been in possession of land and the yield was used for the purpose of Archakatvam and Dhoopa Deepa Naivedyam of the temple. According to the petitioner, the problems arose for him after the constitution of Trust Board. The temple lands were auctioned and taken away from the petitioner. Earlier petitioner was eking out his livelihood and performing Archakatvam by cultivating the said land. But after the land was auctioned and granted lease to some other person, petitioner was deprived of income. Since petitioner was performing Archakatvam and is not cultivating the land belonging to the temple, he is entitled to payment of salary as admissible to a Archaka. Earlier petitioner filed W.P.No.16105 of 2011. Having noted the facts concerning the issue, the Court disposed of the writ petition by order dated 14.06.2011 granting liberty to the petitioner to make application to the respondents regarding payment of salary and further direction was given to the respondents to take steps to consider the said application, for payment of salary and also the expenditure incurred for performing the rituals to the diety. In spite of making representation and appropriate directions issued by the higher authorities, salary is not paid to the petitioner compelling the petitioner to invoke the jurisdiction of this Court.

2. According to learned counsel for the petitioner, the issue was considered by the higher authorities and directions were issued for payment of salary to the petitioner, but those directions are not complied by the 3rd respondent and petitioner was denied salary without any justification.

3. The averments in the counter affidavit filed on behalf of the 3rd respondent would disclose that the land was vested in the petitioner for long time and though the petitioner was deriving income from the land but he was not utilizing the same to attend to the performance of pooja in the temple and the villagers had to contribute liberally to perform poojas to the presiding diety. Having regard to the conduct of the petitioner, villagers complained to the authorities and on their complaint, enquiry is

ordered.

4. A reading of the complaint would also disclose that petitioner was working as Archaka, but not performing the duties as required and not incurring expenditure for undertaking the daily rituals. The proceedings issued by the Deputy Commissioner dated 08.02.2011 extending the tenure of Trust Board would also disclose that the petitioner was treated as Archaka and was appointed as Ex-officio member of the Trust Board. Thus, the documents on record would also disclose that petitioner has been working as Archaka of the temple.

5. Though learned counsel for the 3rd respondent seriously disputes the said fact and contends that petitioner is not working as an Archaka and some other person by name Nageswara Rao is the Archaka of the temple, no material is placed before this Court in support of the said contention. On the contrary, the material on record and various proceedings of the Assistant Commissioner, Deputy Commissioner including the representation of the villagers would also disclose that the petitioner was working as an Archaka. It is also admitted that earlier petitioner was cultivating land but later it was auctioned and lease was granted to some third parties.

6. Having regard to the same, the writ petition is allowed. The 3rd respondent is directed to release the salary payable to the petitioner for the period from October 2010 and if any expenses were also incurred by him in performing Doopa Deepa Naivedyam, subject to petitioner producing the statement of expenditure incurred, the same shall also be verified and release the amounts payable. The entire exercise shall be carried out within a period of two (2) months from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

05th November, 2015

Rds