

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.1516 of 2015

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ORDER:

This writ petition assails the action of the respondents in not taking steps to provide protection at the time of reinstallation of wooden sculpture of Sri Arvetamma deity at Veguru village, Kovur Mandal, Nellore District despite the orders of the Assistant Commissioner of Endowments vide Rc.No.A3/3667/2014 dated 20.12.2014 followed by written representations dated 17.11.2014 to the third respondent/Superintendent of Police and 16.12.2014 to the second respondent/District Collector, Nellore District, Nellore.

2. According to the petitioner, there exists a temple of Sri Sri Sri Arvetamma in Veguru village since time immemorial wherein a wooden sculpture of deity of Sri Aretamma was installed. It is further stated in the affidavit filed in support of the writ petition that the villagers, in order to develop the temple, proposed to remove the wooden sculpture and to install stone sculpture and in furtherance of the same the stone sculpture was installed and the wooden sculpture of 5 ½ feet was handed over to the archaeology department. It is further stated that during transit from Arlagadda of Kurnool District in a lorry the right hand of the said stone sculpture sustained damage, as such, the stone deity is not fit for poojas as per Agama Sastras. It is the further case of the petitioner herein that ever since the date of installation of the damaged stone sculpture serious drought condition occurred in the village, as such, a decision was taken to reinstall the wooden sculpture in the interest of the village and the villagers, which according to the petitioner, prompted correspondence with all the concerned authorities and the Commissioner, Office of the Director of Archaeology and Museums, Hyderabad, vide his Memo Lr.Rc.No.F1/1653/2012, dated 31.07.2012, instructed his subordinates to handover the wooden sculpture of Sri Arvetamma deity and the same was handed over and according to them is lying in the temple premises. It is further stated that some of the villagers with a *mala fide* intention prevented the petitioner from installing the wooden deity as a result no installation of wooden sculpture could be undertaken as fixed on 23.11.2012.

3. It is the further case of the petitioner herein that due to non-installation of the wooden sculpture of Sri Arvetamma deity, the lands have become barren and the villagers are falling sick very often which prompted the petitioner to make representations before the authorities for looking into the aspect. The Assistant Commissioner of Endowments, Nellore, vide order in Rc.No.A3/3667/2014 dated 20.10.2014 requested the petitioner to install wooden sculpture in the temple after removal of stone sculpture with the co-operation of the villagers and with the police assistance in order to avoid any untoward incident. It is also the case of the petitioner herein that for the said purpose petitioner submitted a representation before the third respondent/Superintendent of Police, Nellore District, Nellore, requesting to provide protection at the time of installation and the third respondent did not respond to the same, which according to the petitioner herein prompted to submit a representation on 16.12.2013 to the second respondent/District Collector.

4. WPMP.No.41078/2015 is filed by the writ petitioner and in the supporting affidavit filed in support of the petition it is stated that the Assistant Commissioner of Endowments Department, Nellore vide Rc.No.A3/3667/2015, dated 07.07.2015, asked the Station House Officer, Kovur Police Station, Kovur, Nellore District, to provide sufficient police bandobust at the temple on 14.10.2015 to maintain law and order and to avoid any untoward incident in the village as requested by Sri Manam Krishnaiah/writ petitioner herein.

5. In the counter affidavit filed by the fifth respondent/Station House Officer, Kovur Police Station, it stated that if the competent authorities pass appropriate written orders to the respondent police for providing protection for installing the wooden idol in the village, the respondent police will provide protection to the competent authorities as per law.

6. An implead application vide WPMP.No.4476 of 2015 is filed by one Sri Manam Kondaiah son of Late Manam Pullaiah stating that the writ petitioner Bhakta Mandali Committee, in the month of November 2013, tried to remove the stone idol of Sri Aarvetamma to install the spoiled wooden idol and basing on the complaint given by the villagers, the Circle Inspector of Police and Mandal Revenue Officer enquired into the matter and prevented the deponent of the writ affidavit from removing the idol and the deponent of the writ affidavit has been creating problems

in the village and making false and baseless allegations. It is the further case of the implead petitioner that the stone idol of Sri Aarvetamma deity is in tact and there is no damage to the right hand of the deity and the petitioner Bhakta Mandali Committee is nothing to do with the temple and the temple is being administered by four villagers, one from Pedda Kapu, one from Pedda Golla, one from Pedda Madiga and one from Munusab. It is further stated in the affidavit filed in support of the implead petition that when the deponent of the writ affidavit again tried to remove the idol and created law and order problem in the village, the implead petitioner and other villagers gave a complaint on 02.02.2015 to the Superintendent of Police, Nellore District and requested to prevent such attempts by the writ petitioner and to avoid any untoward incident in the village. It is the further case of the implead petitioners that the villagers are against the removal of stone idol of Sri Aarvetamma deity and installation of wooden idol. It is also the case of the implead petitioners that the Assistant Commissioner, Endowments Department did not conduct any enquiry in the village and he is nothing to do with the temple also. It is also the case of the implead petitioner that in order to have control over the temple and Hundi the deponent of the writ petition is making false and baseless allegations.

7. In view of the above allegations and counter allegations, which cannot be enquired into by this Court under Article 226 of the Constitution of India and to have a complete quietus for this problem and in the interest of the public at large in the village, this Court deems it appropriate to direct the District Collector, Nellore, Nellore District/second respondent herein to look into the matter with the Assistance of the Superintendent of Police/third respondent herein, Station House Officer, Kovur Police Station/fourth respondent and the local Mandal Revenue Officer, if necessary, by arranging a meeting in the village to resolve the issue.

8. For the aforesaid reasons, writ petition is disposed of, directing the second respondent/District Collector, Nellore, Nellore District to take steps for resolution of the above dispute with the assistance of the Superintendent of Police/third respondent herein, Station House Officer, Kovur Police Station/fourth respondent herein and the local Mandal Revenue Officer and Assistant Commissioner of Endowments, Nellore, if necessary, by arranging a meeting in the village. This exercise shall be completed within a period of one month from the date of receipt of this order. Pending Miscellaneous Petitions, if any, shall stand disposed of. No order as to costs.

Date:12.10.2015

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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W.P.No.1516 of 2015

Dated 12th October, 2015

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