

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
WRIT PETITION Nos.25098 of 2012 and 35456 of 2015

Date:18.01.2016

Writ Petition No.25098 of 2012

Between:

S.M.K.Srinivas Gurkul,
S/o Late S.M.K.Muthuswamy and another.

..... **Petitioners**

And:

The Govt of A.P., repled, by its
Commissioner, Endowments Department,
Hyderabad and three others.

.....**Respondents**

Counsel for the Petitioners: Mr. T.Balaji

Counsel for Respondent No.1: AGP for Endowments (AP)

Counsel for Respondent No.2: Mr. V.Venugopala Rao

Counsel for Respondent Nos.3 & 4: Mr. P.Gangaiah Naidu

Senior counsel

For Mr. N.Bharat Babu

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AND

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Writ Petition No.35456 of 2015

Between:

Dr. S.M.K.A.Gurukul @ Babu Gurukul,
S/o S.M.K.Parasurama Gurukul

..... **Petitioner**

And:

The Govt of A.P., repled, by its
Principal Secretary, Revenue
(Endowments.II) Department,
Hyderabad and three others.

.....**Respondents**

Counsel for the Petitioner: Mr. T.Balaji

Counsel for Respondent Nos.1 & 2: AGP for Endowments
(AP)

Counsel for Respondent No.3: Mr. Sreekanth Reddy Ambati

Counsel for Respondent No.4: Mr. P.Gangaiah Naidu
Senior counsel
For Mr. N.Bharat Babu

The Court made the following:
COMMON ORDER:

Writ Petition No.25098 of 2012 is filed for a *Mandamus* to declare proceedings in Rc.No.A1/1877/2011, dated 16.8.2011, of respondent No.2 appointing respondent No.4 as Pradhana Archaka of respondent No.2-Devasthanam as illegal and arbitrary.

Writ Petition No.35456 of 2015 is filed for a *Mandamus* to declare G.O.Ms.No.856, Revenue (Endts.II) Department, dated 14.9.2015, of respondent No.1 to the extent it relates to inclusion of respondent No.4 as Ex. Officio Member of the Board of trustees of respondent No.3 as illegal and arbitrary.

For convenience, the parties are referred to as arrayed in Writ Petition No.25098 of 2012.

I have heard Mr. T.Balaji, learned counsel for the petitioners and perused the record.

The main dispute raised in both these Writ Petitions pertains to the status of respondent No.4 and his entitlement to be recognized and appointed as Pradhana Archaka and Ex-Officio member of the Board of respondent No.2-Devasthanam.

It is the pleaded case of the petitioners that their ancestors were the recognized Archakas of Sri Kalahastheeswara Swamy Devasthanam and that they belong to the Guru parampara and therefore, they are being called as 'Gurukuls', while others were called as 'Sishya Parampara'. The petitioners have, accordingly, questioned the status of respondent No.4 for being

recognised as the person belonging to Guru Parampara and his consequent appointment as Pradana Archaka of respondent No.2-Devasthanam.

In my opinion, the dispute raised by the petitioners cannot be adjudicated in a Writ Petition under Article 226 of the Constitution of India.

Under Section-87(e) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, the issue such as whether any person is entitled by custom or otherwise to any honour, emoluments or perquisites in any charitable or religious institution or endowment and what the established usage of such institution or endowment is in regard to any other matter can be decided by the Endowments Tribunal.

As the claim made by the petitioners needs to be adjudicated on the strength of the evidence, both oral and documentary, that may be produced by them and also by respondent No.4, it is appropriate that the petitioners approach the Endowments Tribunal under the above-mentioned provision.

In this view of the matter, without expressing any opinion on the merits of the case, the Writ Petitions are dismissed, with liberty to the petitioners to avail the remedy as aforesaid.

As a sequel to dismissal of the Writ Petitions, W.P.M.P.Nos.32009 of 2012 and 45550 of 2015 are dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*18th January, 2016
DR*