

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

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PUBLIC INTEREST LITIGATION No. 340 OF 2015

Date: 18.01.2016

Between:

Jilla Archaka Samakhya, rep., by its Honorary President,
Mahaboobnagar District.

... Petitioner

And

The State of Telangana, rep., by its Principal Secretary,
Revenue Department,
Hyderabad and others

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

PUBLIC INTEREST LITIGATION No. 340 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This public interest litigation is filed by one Jilla Archaka Samakhya, Mahaboobnagar, represented by its President, challenging D.O.Lr.No.D1/1270(ORC)2014, dated 02.08.2014, and letter, dated 20.06.2014. We have perused both the letters. Letter, dated 20.06.2014, refers to grant of ORC to temples in six Mandals in Mahaboobnagar District.

Sri Pavan Kumar Pujari, learned counsel for the petitioner, submits that the impugned letters issued are contrary to the directions issued by the Supreme Court in W.P. (Civil) No.696 of 1987, dated 09.05.1997. By this order, the Supreme Court had upheld the provisions relating to abolition of hereditary rights and also payment of shares etc., as stipulated under Section 144 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, "the Act"). It appears, in view of the order of the Supreme Court, the Government vide circular, dated 31.01.1997, issued instructions to all the Executive Authorities of the institutions to take action for payment of salaries to Archakas as per the rules in force and not to disturb possession of the land given to them in lieu of remuneration for rendering service in the temple.

Insofar as letter, dated 02.08.2014, is concerned, it does not state anything about the alleged rights of Archakas and, in our opinion, it states about the encroachers of temple properties and necessity to take eviction proceedings under Section 6 of the A.P. Land Encroachment Act in order to safeguard the temple properties.

From bare perusal of the impugned letters it appears to us that if at all anybody is aggrieved by these letters, it is only Archakas, who are named in letter, dated 20.06.2014. None of them has come forward challenging these letters. The instant petition, filed as a public interest litigation, on behalf of Jilla Archaka Samakhya, in our opinion, cannot be entertained. Rights of individuals cannot be examined in public interest litigation and hence, we are not inclined to entertain the instant petition. Public interest litigation is dismissed. Dismissal of public interest litigation, however, shall not preclude individual Archaka/s from taking appropriate remedy for redressal of his/their grievance, if the circumstances so demand or there is threat to their actual possession and enjoyment of properties as stated in letter dated 20.06.2014. If at all any such proceeding is filed, we hope and trust that it will be considered and decided on merits in accordance with law and uninfluenced by this order.

Miscellaneous petitions, if any, shall also stand dismissed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 18.01.2016
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