

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44497 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction, more particularly a writ in the nature of Writ of MANDAMUS declaring the action of the Executive Officer of Sri Soma Sundareswara Swamy Temple, Gaddi Bazaar, Kadapa Town, YSR District in directing the petitioner to hand over the charge of archakatwam of Sri Lakshmi Satyanarayana Swamy Temple situated in the premises of the 1st respondent temple, as bad, illegal, arbitrary, opposed to law, violation of principles of natural justice and pass such other order or orders as the Hon’ble Court may deems fit and proper.”

2. I have heard the submissions of Sri *M.Vidyasagar*, learned counsel appearing for the petitioner, Sri *A.Srikanth Reddy*, learned Standing Counsel, appearing for the 1st respondent, and of the learned Government Pleader for Endowments appearing for the respondents 2 to 5. I have perused the material record.

3. Learned counsel for the petitioner would submit that the impugned notice, dated 05.06.2017, was issued by the Assistant Commissioner, Endowments Department, Kadapa, allegedly on the report of the Executive Officer and that by the impugned notice, the said Executive Officer is informed to immediately take possession of a room and articles from the petitioner, who is an Archaka, and, therefore, the petitioner is apprehending that his right of Archakatwam in Sri Lakshmi Satyanarayana Swamy Temple, which is a sub-temple in the first respondent temple, would be interfered with, and hence, the present writ petition is filed.

4. Learned counsel for the petitioner fairly submits that the petitioner is prepared to hand over the possession of the room and articles to the Executive Officer, as per the instructions of the Assistant Commissioner, however, under a proper acknowledgement. He would also submit that the Executive Officer is required to mention the articles, which the petitioner is required to hand over possession of, and requests that the Executive Officer may be directed to permit the petitioner to retain the Articles, which are required to perform the daily rituals in the Temple.

5. Learned Government Pleader for Endowments and the learned Standing Counsel for the 1st respondent temple would submit that the respondents are not interfering with the Archakatwam rights of the petitioner in Sri Lakshmi Satyanarayana Swamy Temple and that the respondents 2 to 4 only instructed the Executive Officer of the first respondent temple to take possession of a room and articles from the petitioner and report compliance.

6. Recording the submissions, the Writ Petition is disposed of with the following directions: The petitioner shall hand over possession of the room as well as articles to the Executive Officer under proper acknowledgement. The Executive Officer before taking possession of the room and articles, may inform the petitioner, the details of the articles, if any, to be delivered possession of and also the date and time on which he would take possession of the room and the articles, under proper acknowledgement. This order shall not preclude the Executive

Officer from retaining with the petitioner-Archaka, some essential articles which may be required for daily performance of the rituals in the temple.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 27th December, 2017

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