

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22892 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring that G.O.Ms.No.500, dated 20.4.2007 is contrary to Section 82(2) of the Endowments Act and the rules made thereunder, and consequently, to direct the respondents not to dispossess the petitioners from the lands to an extent of Ac.4.00 situated at Karrapadu Village, Medikonduru Mandal, Guntur District.

2. Heard Sri N. Subba Rao, learned Counsel for the petitioners; learned Government Pleader for Endowments and Smt. K. Lalitha, learned Standing Counsel for the 5th respondent-temple.

3. It has been contended by the petitioners that the 4th respondent-Assistant Commissioner of Endowments, Naaz Centre, Guntur declared them as landless poor persons and they took the subject land on lease on 4.7.1996 and they have been paying maktha regularly to the Endowment Department and their livelihood is only based on cultivation of the subject land taken on lease and while they were holding the subject land, the State Government issued G.O.Ms.No.500, dated 20.4.2007, wherein it is stated that the Archaka of the 5th respondent-temple viz., T. Seshu Sekhar Babu has been working without any remuneration and in those set of circumstances, the said Archaka requested the Commissioner of Endowments and the Government, to allot the land of the 5th respondent-temple to an extent of Ac.11.25 cents as resolved by the Trust Board of the 5th respondent-temple, as he is rendering Archakatvam service without any remuneration, and that the State Government accepted the said proposal of the Trust Board and allotted Ac.11.25 cents belonging to the 5th

respondent-temple to Archaka for rendering Archakatvam service and in pursuance of the said G.O., respondents Nos.1 to 5 sought to dispossess the petitioners. Challenging the same, the present writ petition is filed.

4. In the counter-affidavit filed on behalf of the 5th respondent, it is stated that there are no merits in this writ petition and the G.O. impugned was passed keeping in view the guidelines issued by the Hon'ble Supreme Court to keep the lands of 6(c) temples with the archakas and there is no illegality in the impugned G.O.

5. From the material on record, it is obvious that the 6th respondent is rendering archakatvam service without any remuneration. In those circumstances, the Trust Board passed a resolution and recommended to give possession of the land in question to the 6th respondent. The petitioners are the lessees in respect of the part of the land allotted to Archaka. If the petitioners are landless poor persons, they can submit their application to the Archaka, to whom the land was allotted, for grant of lease hold rights in the subject land. If the Archaka feels that the lands can be leased out and the income that would be derived therefrom, can be taken as remuneration, the application of the petitioners shall be considered by Archaka for allotment of the subject land on lease on payment of reasonable rent or maktha to be determined by Archaka.

6. With these observations, the Writ Petition is disposed of. No costs. It is made clear that it is for the Archaka to lease out the lands to the petitioners or not. The observation made in this order should not be treated as a direction from this Court. Miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

9th April, 2018

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9.4.2018

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