IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K. MANMADHA RAO

WRIT PETITION NO: 34067 OF 2016

Between:

D.Hari Krishna, S/o. Late Sri Narayana, Aged 36 years, Occ: Purohit in Sri Kasi Visweswara Swamy Temple, R/o. Bhimavaram Village, Vatsavai Mandal, Krishna District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep: by its Principal Secretary, Revenue (Endowments) Department, Secretariat, Hyderabad.
2. Sri Kasi Visweswara Swamy Temple, Bhimavaram Village, Vatsavai Mandal, Krishna District, Rep: by its Executive Officer.
3. B.V.S.K.Satya Prasad, S/o. Venkata Rama Narasaiah, Aged 60 years, R/o. Bhimavaram Village, Vatsavai Mandal, Krishna District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly, one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing the impugned order dated: 28.09.2016 directing the petitioner herein not to attend the temple services without any authority under the

directions of the 3rd respondent as bad, illegal, arbitrary, improper, unjust and against the principles of natural justice and against the Articles 14, 21 & 25 of Constitution of India and consequently set-aside the same and direct the respondents to allow the petitioner to render his services in the 2nd respondent.

I.A. NO: 1 OF 2016(WPMP. NO: 42022 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to allow the petitioner to render purohit service in the 2nd respondent temple, pending disposal of the writ petition.

I.A. NO: 1 OF 2017(WVMP. NO: 961 OF 2017)

Between:

B.V.S.K.Satya Prasad, S/o. Venkata Rama Narasaiah, Aged 60 years, R/o. Bhimavaram Village, Vatsavai Mandal, Krishna District.

...VACATE PETITIONER/RESPONDENT No.3

AND

1. The State of Andhra Pradesh, Rep: by its Principal Secretary, Revenue (Endowments) Department, Secretariat, Hyderabad.
2. Sri Kasi Visweswara Swamy Temple, Bhimavaram Village, Vatsavai Mandal, Krishna District, Rep: by its Executive Officer.

...RESPONDENTS/RESPONDENTS 1 & 2

3. D.Hari Krishna, S/o. Late Sri Narayana, Aged 36 years, Occ: Purohit in Sri Kasi Visweswara Swamy Temple, R/o. Bhimavaram Village, Vatsavai Mandal, Krishna District.

...RESPONDENT/WRIT PETITIOENR

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the suspension granted in WPMP No. 42022 of 2016 in

W.P. No.34067 of 2016 dated 30.09.2016 and also dismiss the Writ petition with exemplary costs pending disposal of the Writ Petition.

Counsel for the Petitioner : SRI V. S. K. RAMA RAO

Counsel for the Respondent No.1 : GP FOR ENDOWMENTS

Counsel for the Respondent No.2 : Mrs. P. PADMAVATHI, SC FOR ENDOWMENTS

Counsel for the Respondent No.3 : SRI K. SREENIVAS

Counsel for the Respondents: SRI JAYANTI S C SEKHAR

The Court made the following: ORDER

APHC010873982016

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3310]
(Special Original Jurisdiction)

TUESDAY ,THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 34067/2016

Between:

D.hari Krishna, ...PETITIONER

AND

The State Of Andhra Pradesh and Others ...RESPONDENT(S)

Counsel for the Petitioner:

1.V S K RAMA RAO

Counsel for the Respondent(S):

1.JAYANTI S C SEKHAR

2.GP FOR ENDOWMENTS (AP)

3.K SREENIVAS

The Court made the following:

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

> *"... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned orde,r dated 28.09.2016 directing the petitioner herein not to attend the temple services without any authority under the directions of the 3rd respondent as bad, illegal, arbitrary,*

improper, unjust and against the principles of natural justice and against the Articles 14, 21, 25 of Constitution of India and consequently set aside the same and direct the respondents to allow the petitioner to render his services in the 2nd respondent and grant such other relief or reliefs as this Honble Court may deem fit and proper in the circumstances of the case and in the interest of justice...'

2. The case of the petitioner in brief is that the predecessors of the petitioner used to render service for more than 100 years in the 2nd respondent temple and the petitioner used to attend the services of 'Archakatvam' during festive seasons and auspicious occasions. The 3rd respondent has pressurized the 2nd respondent in issuing the impugned order, dated 28.09.2016 directing the petitioner not to attend the temple service. Thereafter, the 3rd respondent herein was suspended by issuing notice along with a charge memo and this Court has observed that the 3rd respondent is indulged in abuse of process of Court and accordingly he was saddled with costs of Rs.5,000/-. Aggrieved by the order of the 2nd respondent, dated 28.09.2016, the present Writ Petition has been filed.

3. As observed from the proceeding sheet, this Court on 30.09.2016, while issuing *'Rule Nisi'* has granted interim suspension of the notice, dated 28.09.2016 issued by the 2nd respondent.

4. Heard Mr V.S.K.Rama Rao, learned counsel for the petitioner, Smt Padmavathi Padnavis, learned Standing Counsel and the learned Government Pleader for Endowments appearing for Respondents.

5. On hearing, learned counsel for the petitioner while reiterating the averments made in the Writ Petition submits that though the petitioner has brought to the notice of the Executive Officer of the Temple that his entire family is dependent on the income derived from the service rendered by the petitioner in the temple, and requests to allow him to render services, but without considering the petitioner's request, the 2nd respondent has passed the impugned order, dated 28.09.2016 directing the petitioner herein not to attend the temple services which is illegal and arbitrary. He further submits that without having any authority, under the directions of the 3rd respondent, the 2nd respondent has passed the impugned order. Hence, the learned counsel for the petitioner requests to set aside the impugned order passed by the 2nd respondent, dated 28.09.2016.

6. Whereas, learned Government Pleader for Endowments appearing for the respondents opposed for grant of any relief in the writ petition and prayed to dismiss the same.

7. Considering the submissions of learned counsel for the petitioner and the learned Government Pleader for Endowments, the impugned proceedings, dated 28.09.2016 issued by the 2nd respondent is set aside. The respondents are directed to allow the petitioner to render his services in the 2nd respondent temple without affecting the rights of the other parties concerned.

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs..

As a sequel, miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- P.U.V.BHASKAR RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue(Endowments) Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Executive Officer Sri Kasi Visweswara Swamy Temple, Bhimavaram Village, Vatsavai Mandal, Krishna District.
3. One CC to Sri V. S. K. Rama Rao, Advocate [OPUC]
4. Two CCs to GP for Endowments, High Court of Andhra Pradesh. [OUT]
5. One CC to Sri K. Sreenivas, Advocate [OPUC]
6. One CC to Sri Jayanti S C Sekhar, Advocate [OPUC]
7. Three C.D. Copies.

Cnr

HIGH COURT

DATED:28/01/2025

ORDER

WP.No.34067 of 2016



DISPOSING OF THE W.P.
WITHOUT COSTS