Date of reserved for orders : 29.10.2026
Date of pronouncement : 04.11.2026
Date of uploading : 05.11.2026

APHC010050692026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3330]**
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION Nos. 3019, 2404 & 2625 OF 2026 AND
W.P. No.33169 OF 2025

WRIT PETITION No.3019 of 2026

BETWEEN:

1. NOSSAM VEERABHADRA SWAMY, S/o. SRI SRI SRI VEERA BHOGA VASANTHA VENKATESWARA SWAMY VARU, AGED ABOUT 52 YEARS, R/o. D.No.8-530, KANDIMALLAYYAPALLI VILLAGE, BRAHMAMGARI MATAM MANDAL YSR KADAPA DISTRICT, ANDHRA PRADESH. **...PETITIONER**

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, ENDOWMENT DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI AMARAVATI, GUNTUR DISTRICT-522237.

2. THE ANDHRA PRADESH DHARMIKA PARISHAD, REP. BY ITS MEMBER SECRETARY, O/O. COMMISSIONER OF ENDOWMENTS, GOLLAPUDI, VIJAYAWADA, NTR DISTRICT.

3. THE COMMISSIONER OF ENDOWMENTS, GOVERNMENT OF ANDHRA PRADESH, GOLLAPUDI, VIJAYAWADA, KRISHNA DISTRICT. 521225

4. THE REGIONAL JOINT COMMISSIONER, ENDOWMENTS DEPARTMENT, GOVERNMENT OF ANDHRA PRADESH, TIRUPATI, TIRUPATI DISTRICT. 517501

5. NOSSAM VENKATADRL SWAMY, S/o. SRI SRI SRI VEERA BHOGA VASANTHA VENKATESWARA SWAMY VARU, AGED ABOUT 60 YEARS, OCC: ADVOCATE, R/o. KANDIMALLAYYAPALLI VILLAGE, YSR KADAPA DISTRICT, ANDHRA PRADESH. 516503

6. NOOSAM GOVINDHA SWAMY, S/o. LATE SRI SRI VEERA BHOGA VASANTH SWAMY VAARU, (11TH MATADIPATHI OF SRI MADVIRAT POTHULURI VEERABRAMHENDRA SWAMY MUTT), AGED ABOUT 19 YEARS, R/o. BRAHAMAGARI MATAM, KANDIMALLAYYAPALLI VILLAGE, B. MATAM MANDAL, YSR KADAPA DISTRICT, ANDHRA PRADESH - 516001.

7. JAGADGURU SRI MADVIRAT POTHULURI VEERABRAHMENDRA SWAMY VARI MATAM, KANDIMALLAYYAPALLI VILLAGE, YSR KADAPA DISTRICT, ANDHRA PRADESH, REP. BY ITS AUTHORIZED PERSON PIN. 516503. R 6 AND 7 IMPLEADED AS PER COURTS ORDER DT. 20.08.2026 AND 25.08.2026 IN I.A.NOS.4 AND 5 OF 2026

...RESPONDENT(S):

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 of Mandamus or any other appropriate Writ, Order or Direction (a) declaring the action of the 2nd respondent / Dharmika Parishad in issuing the proceedings vide No. DP 1/25030/12/2025 dated 13.01.2026 appointing the 5th respondent as interim Matadhipathi of Jagadguru Sri Madvirat Pothuluri Veerabrahmendra Swami Vari Matam, Kandimallayyapalli, Kadapa District despite of his disqualification as arbitrary, illegal, contrary to the orders of the Division Bench of this Hon'ble Court in W.A. No. 1066/2024 and W.A.No.3/2025 dated 01.05.2025. (b) declare the action of the 2nd respondent in overlooking the claim of the petitioner since he is the 2nd son despite of the fact that he is fully qualified and eligible in terms of the Judgment of this Honble Court dated 01.05.2025 in W.A. No. 1066 of 2024 and W.A. No.3 of 2025 read with Section 53(2) of the Act for appointment as Matadipathi and c)

Consequently, direct the 2nd respondent to nominate/appoint the petitioner as Matadhipathi to Jagadguru Sri Madvirat Pothulur Veerabrahmendra Swamulavari Math, Kandimallayyapalli Village, Brahmamgari Matam Mandal, YSR Kadapa District by setting aside the impugned proceedings No.DP 1/25030/12/2025 dated 13.01.2026 of the 2nd respondent and (d) to pass such other order or orders.

Counsel for the Petitioner:

1. M/S.EXCELLENTIA LEGAL

Counsel for the Respondent(S):

1. V HIMABINDU
2. GP FOR ENDOWMENTS
3. J.V.PHANIDUTH

WRIT PETITION No. 2404 OF 2026

BETWEEN:

1. TURLPATHI SAMBASIVA RAO, S/o. KOTILINGACHARI AGED ABOUT 66 YEARS, OCC BUSINESS, R/o. D.No. 11-1-4, SANKAVARI STREET, NEAR PERALA ANDHRA BANK, PERALA, CHIRALA, PRAKASAM DISTRICT, ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, REVENUE (ENDOWMENTS) DEPARTMENT, SECRETARIAT, VELGAPUDI, AMARAVATHI, GUNTUR DISTRICT. 522237
2. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOLLAPUDI, VIJAYAWADA, NTR DISTRICT. 520012.
3. ANDHRA PRADESH DHARMIK PARISHAD, REP. BY ITS MEMBER SECRETARY, C/o. COMMISSIONER OF ENDOWMENTS, GOLLAPUDI, VIJAYAWADA, NTR DISTRICT.520012
4. SRI MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY VARI MATH, KANDIMALLYAPALLI VILLAGE, BRAHMMAMGARI MATH MANDAL, YSR KADAPA DISTRICT, 516001 ANDHRA PRADESH REPRESENTED BY ITS MANAGER.

5. SRI NOSSAM VENKATADRI SWAMY, THE MATADHIPATHI, SRI MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY VARI MATH, KANDIMALLYAPALLI VILLAGE, BRAHMMAMGARI MATH MANDAL, YSR KADAPA DISTRICT, ANDHRA PRADESH 516001

...RESPONDENT(S):

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 an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents more particularly respondents no.2 in issuing proceedings vide Proc. No DP 1/25030/12/2025 dated13.01.2026 in appointing 5th respondent as Matadhipathi to the 4th respondent without following the procedure as prescribed under the Andhra Pradesh Charitable and HinduReligious Institutions andEndowments Act, 1987 and Administration of Math Rules 1987 as bad,illegal, arbitrary and violative of Articles 14, 21,25 and 26 of Constitution of India and consequently setaside the same and direct the respondents to appoint Matadhipathi to the 4th respondent Math by strictly following the procedure as prescribed under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and Administration of Math Rules1987 pass such other order or orders.

Counsel for the Petitioner:

1. D V SASIDHAR

Counsel for the Respondent(S):

1. V HIMABINDU
2. T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)
3. GP FOR ENDOWMENTS

WRIT PETITION No. 2625 OF 2026

BETWEEN:

1. N MARUTHI MAHALASKHMI, W/o. LATE SRI SRI SRI VEERA BHOGA VASANTHA VENKATESWARA SWAMI VARU, (11TH MATADHIPATHI OF SRI MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY MUTT) AGED ABOUT 45 YEARS, R/o.

SRI MADVIRAT POTHULURI VEERA BRAHMENDRASWAMY MUTT, KANDIMALLAYAPALLI VILLAGE, B MATAM MANDAL, YSR KADAPA DISTRICT. - 516503.

2. N GOVINDA SWAMY, S/o. LATE SRI SRI SRI VEERA BHOGA VASANTHA VENKATESWARA SWAMI VARU, (11TH MATADHIPATHI OF SRI MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY MUTT) AGED ABOUT 19 YEARS, R/O. SRI MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY MUTT, KANDIMALLAYAPALLI VILLAGE, B MATAM MANDAL, YSR KADAPA DISTRICT -516503.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRL.SECRETARY, REVENUE (ENDOWMENT) DEPARTMENT, SECRETARIAT, AMARAVATHI, GUNTUR DISTRICT. - 522238.
2. THE COMMISSIONER, ENDOWMENT DEPARTMENT, GOLLAPUDI, VIJAYAWADA. - 520001.
3. THE ANDHRA PRADESH DHARMA PARISHAD, REP.BY ITS MEMBER SECRETARY O/0. COMMISSIONER OF ENDOWMENTS, GOLLAPUDI, VIJAYAWADA. - 520001.
4. NOSSAM VENKATADRI SWAMY, S/O. SRI SRI SRI VEERA VASANTHA BHOGA VENKATESWARA SWAMY, AGED ABOUT 62 YEARS, R/O. KANDIMALLATAPALLI VILLAGE, B.MATAM MANDAL, KADAPA DISTRICT. -516503.
5. SRI MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY MUTT, REP BY ITS MANAGER, KANDIMALLAYAPALLI VILLAGE, B.MATAM MANDAL, YSR KADAPA DISTRICT. - 516503. **...RESPONDENT(S)**

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 of Certiorari or any other appropriate writ or direction and quashing and setting aside the proceedings of the 3rd respondent Proceeding No.321/25030/12/2025, dt. 13.01.2026 in appointing and recognizing the 4th respondent as the interim matadhipathi of 5th respondent mutt and consequently direct

respondent Nos. 1 to 3 to conduct a fresh process as per section 53,54 and rule 8 of the rules to identify the eligible person as per the wish and desire of the disciples of the mutt and confirm the status of recognition on such selectee as matadhipathi of the mutt by taking into account of the claims of petitioners and others including the 4th respondent by passing a reasoned order and grant such other order or orders.

Counsel for the Petitioner(S):

1. J.V.PHANIDUTH

Counsel for the Respondent(S):

1. V HIMABINDU
2. T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)
3. GP FOR ENDOWMENTS

WRIT PETITION No. 33169/2025

BETWEEN:

1. TURLAPATHI SAMBASIVA RAO, S/o. KOTILINGACHARI AGED ABOUT 66 YEARS, OCC: BUSINESS, R/o. D.No. 11-1-4, SANKAVARI STREET, NEAR PERALA ANDHRA BANK, PERALA, CHIRALA, PRAKASAM DISTRICT, ANDHRA PRADESH. **...PETITIONER**

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE (ENDOWMENTS) DEPARTMENT, SECRETARIAT, VELGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOLLAPUDI, VIJAYAWADA, NTR DISTRICT.
3. ANDHRA PRADESH DHARMIK PARISHAD, REP. BY ITS MEMBER SECRETARY, O/o. COMMISSIONER OF ENDOWMENTS, GOLLAPUDI, VIJAYAWADA, NTR DISTRICT.
4. SREE MADVIRAT POTHULURI VEERA BRAHMENDRA SWAMY VARI MATH, KANDIMALLYAPALLI VILLAGE, BRAHMMAMGARI MATH MANDAL, YSR KADAPA DISTRICT. ANDHRA PRADESH REPRESENTED BY ITS FIT PERSON

5. NOSSAM VENKATADRY SWAMY, ELDEST SON OF LATE SRI SRI VEERABHOGA VASANTHA VENKATESWARA SWAMY VARU, AGED ABOUT 58 YEARS, R/o. SRI MADVIRAT POTHULURI VEERA BHRAHMENDRA SWAMY MUTT, KANDI MALLAYAPALLI VILLAGE, BRAHMAMGARI MATHAM MANDAL, YSR KADAPA DISTRICT. R5 IMPLEADED AS PER COURTS ORDER DT. 17.07.2026 IN I.A.NO.2 OF 2025.

...RESPONDENT(S):

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 an appropriate Writ order or direction more particularly, one in the nature of Writ of Mandamus declaring the action of the respondents more particularly respondents no.2 and 3 in taking steps to appoint Matadhipathi to the 4TH respondent Math pursuant to the meeting held on 28.10.2025 without following the procedure as prescribed under the Andhra Pradesh Charitable and Hindu Religious Institutions Endowments Act, 1987 and Administration of Math Rules, 1987 bad, illegal, arbitrary and violative of Articles 14, 21, 25 and 26 of Constitution of India and consequently setaside the procedure adapted by the respondent authorities for appointing Matadhipathi to the 4TH respondent Math to the Meeting held on 28.10.2025 and further direct the respondents to appoint Matadhipathi to the 4TH respondent Math pursuant by strictly following the procedure as prescribed under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and Administration of Math Rules, 1987 pass such other order or orders, in the interest Justice.

Counsel for the Petitioner:

1. D V SASIDHAR

Counsel for the Respondent(S):

1. T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)
2. V V N NARASIMHAM
3. GP FOR ENDOWMENTS

The Court made the following:

COMMON ORDER:

Since the issues involved in all these writ petitions are identical in nature, these writ petitions are heard analogously and are decided by a common order. For the sake of convenience, the facts stated in W.P. No.3019 of 2026 are being taken for disposal of all these writ petitions.

2. Sri Madvirat Pothuluri Veerabrahmendra Swamy vari Matam, hereinafter will be referred as 'Mutt', was founded by Sri Sri Sri Pothuluri Veera Brahmendra Swamy (also known as Brahmmam garu), who is philosopher, social reformer, was borne about 315 years ago and he was the Peetadhipathi of the Mutt, who entered into social life along with disciples. Brahmmam garu is considered to be the author of the Kalagnanam (A book of prediction). The said Mutt is one of the renowned Mutt in the State of Andhra Pradesh. The 11th Mathadhipathi is Sri Sri Sri Veera Bhogavasantha Venkateswara Swamy varu, who discharged his duties as Mathadhipathi from 1969 until his death i.e. 08.05.2021. He had four sons and four daughters through 1st wife by name Smt. Chandravathamma. The sons are by name (1) Sri Nosam Venkatadri Swamy, who is respondent No.5, (2) Sri Nosam Veerabhadra Swamy, who is the petitioner in the present writ petition, (3) Sri Veerambotlayya and (4) Sri Dattatreya. And the 11th Matadhipathi got two sons through 2nd wife Smt. Maruthi Maha Lakshmi, by name (1) Sri Noosam Govindha Swamy, who is 6th

respondent in the present writ petition and (2) Sri Noosam Varadaraja Swamy, who is not a party to the writ petition.

3. The issue in these writ petitions is challenging the appointment of 5th respondent as Matadhipathi of the Mutt. The 2nd son borne through the 1st wife and 1st son of 2nd wife are claiming to be appointed as Matadhipathi of the above said Mutt in the place of 5th respondent.

4. The contention of the petitioner is that his father by name Sri Sri Sri Veerabhoga Vasantha Venkateswara Swamy has nominated the petitioner herein as Matadhipathi by executing a Will dated 10.11.2018 and the same was intimated to the 3rd respondent-Dharmika Parishad, by the mother of the petitioner in pursuance of letter dated 28.11.2018 and the same was also intimated through courier service on 01.12.2018, within the stipulated time, under Section 54(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter will be referred as Act 30/1987). As the petitioner was nominated by his father through Will dated 10.11.2018, he should be appointed as Matadhipathi.

5. It is the case of the 6th respondent herein i.e. Sri Noosam Govindha Swamy, who is the 2nd writ petitioner in W.P. No.2625 of 2026, that he was borne through 2nd wife of Sri Sri Sri Veerabhogavasantha Venkateswara Swamy varu and a nomination

was written in a separate sheet duly attested and choosing the 6th respondent as successor of the Matadhipathi was confirmed by the father in his own handwriting and also noted in the personal diary in the year 2006. And the said things were kept in iron safe in his personal room in the Mutt, which was seized by the official respondents. Since the respondents disbelieved the facts and failed to conduct an enquiry under the circumstances, the mother of the 6th respondent has made a representation dated 25.06.2021 and 26.06.2021 requesting the Dharmika Parishad to appoint the 6th respondent as Matadhipathi to the above said Mutt, by recognizing his father's nomination i.e., [Veerabhoga Vasantha Venkateswara Swamy varu -11th Matadhipathi]

6. It is the contention of the 5th respondent that he is the eldest son of Sri Sri Sri Veerabhoga Vasantha Venkateswara Swamy varu and the custom has prevailed since the establishment of the Mutt that the eldest member of the family of the last Peetadhipathi is being nominated as the Matadhipathi, therefore, the 5th respondent should be appointed as the Matadhipathi as he is only eligible person to be appointed as Matadhipathi to the above said Mutt.

7. As the situation was, the 3rd respondent-Commissioner of Endowments through proceedings dated 12.06.2021 appointed a fit person i.e. the 4th respondent-Assistant Commissioner, Endowments (to manage the affairs of the Mutt), in contemplation of internal disputes

within the family members of the deceased Sri Sri Sri Veerabhoga Vasantha Venkateswara Swamy, with a further direction dated 13.06.2021, directed the manager of the Mutt to handover all the records of the movable and immovable properties of the Mutt with immediate effect.

8. Challenging the proceedings dated 12.06.2021, the 6th respondent and his mother filed W.P. No.12609 of 2021. Although, the writ petition was allowed partially, the writ petitioners subsequently filed intra Court appeal vide W.A. No.535 of 2021 and the said writ appeal was disposed of on 23.09.2021, directing the 3rd respondent to consider the claim of the 6th respondent regarding the succession of office of the Matadhipathi, on merits after giving fair and due opportunity to all the concerned. However the 3rd respondent-Commissioner has not only rejected the claim of the 6th respondent vide proceedings dated 28.11.2021, but also appointed the Assistant Commissioner of Endowments as temporary fit person, for day to day management of affairs of the Mutt. Additionally appointed the Joint Commissioner for Endowments was designated as authorised officer to convene meetings of the Mutt vide proceedings dated 29.11.2021.

9. Feeling aggrieved by the orders dated 28.11.2021 and 29.11.2021, the 6th respondent and mother of the 6th respondent have filed W.P. No.29071 of 2021 and the 2nd son got through 1st wife of i.e.,

Nosam Veerabhadra Swamy, filed W.P. No.42248 of 2022. A coordinate bench of this Court dismissed both the writ petitions granting liberty to the writ petitioners to raise their objections which are available under law by filing a civil suit before the competent Civil Court, having jurisdiction, subject to the limitation.

10. Against dismissal of W.P. No.29071 of 2021, Writ Appeal No.1066 of 2024 was filed and against W.P. No.42248 of 2021, Writ Appeal No.3 of 2025 was filed. A Division Bench-I of this Court has disposed of both the appeals by way of common order dated 01.05.2025 with the following directions:

> (1) The claimants, who are claiming succession over the post of Matadhipathi, through their documents, shall approach the competent Civil Court to undergo the test of eligibility and to prove their respective succession.
>
> (2) In the mean time, the claimants shall put-forth before the Dharmika Parishad for appointment of Mataadhipathi, as per Section 54(2) of the Act, 1987 and the authorities shall consider the same and nominate accordingly, as per Section 53(2), subject to outcome of the suits filed, if any.

11. Despite, direction given by the Division Bench vide order dated 01.05.2025, the 2nd respondent has no regard to the Court Order, has once again appointed a fit person for better administration of the above said Mutt vide order dated 16.02.2025, the said order was challenged in

W.P. No.11857 of 2025. A coordinate Bench of this Court has disposed of the writ petition vide order dated 07.08.2025, directing the Dharmika Parishad to pass appropriate orders pursuant to the orders passed by a Division Bench in W.A. No.1066 of 2024 and W.A. No.3 of 2025 for appointment of Matadhipathi.

12. Pursuant to the direction given by the Coordinate Bench of this Court dated 01.05.2025, the 5th respondent by name Sri Nosam Venkatadri Swamy, was appointed by the 3rd respondent-Commissioner, Endowments Department, through proceedings dated DP1/25030/12/2025, dated 13.01.2026, as interim Matadhipathi, on temporary basis to look after the religious and secular affairs of the Mutt as per the custom that prevailing since the establishment of the Mutt that the eldest member of the family of the last Peetadhipathi is being nominated as the Matadhipathi. The 5th respondent being the eldest son, was appointed as Matadhipathi, subject to outcome of the Civil Suits filed if any, the said order was challenged in these writ petitions on the following grounds:

1) The appointment is contrary to Section 54(2) of the Act 30 of 1987 and contrary to the direction issued by this Court in W.A. No. 1066 of 2024 and W.A. 3 of 2025.

2) The Act, r/w the administration of Mutt Rules, 1987 framed under G.O.Ms.No.218, Revenue (Endowments-1) dated

07.03.1988, provides sufficient guidelines for the appointment of a Matadhipathi.

13. Rule 8(i) of the said rules outlines that Commissioner or any other officer authorized by him shall convene a meeting of the Matadhipathis of the other Mutts belonging to the same Sampradaya, who are disciples of the concerned Mutt, at the premises of the Mutt or at such suitable place as may be fixed by him. The place and time of the meeting shall be intimated to the Matadhipathis and disciples at least one month in advance to the date of meeting by way of notice under prescribed manner.

ii) the notice was also be published in newspapers at the cost of the Mutt.

(iii) the notices shall be affixed: (a) On the notice board of the concerned Mutt; (b) On the notice boards of the offices of the Commissioner, Regional Joint Commissioner, Deputy Commissioner and Assistant Commissioner of the Endowments Department; and (c) At any other conspicuous place.

14. Further, Rule 9 envisages that the Matadhipathi and disciples shall be received at the meeting as per the custom and usage with due regard to the tenets of the Mutt.

15. The appointment was made contrary to sub-section (2) of Section 53 of the Act 30/1987, as the 5th respondent does not possess:

(a) basic knowledge of the Hindu Religion and Philosophy;

(b) knowledge of the relevant scriptures and sampradaya to which the math belongs;

(c) capacity to impact the knowledge and preach the tenets of the math to the disciples;

(d) religious temperment with implicit faith in discipline and practice; and

(e) unquestionable moral character.

Therefore prayed to set aside the impugned proceedings dated 13.01.2026 - the appointment of the 5th respondent as Matadhipathi.

16. Learned designated senior counsel Sri P. Girish Kumar for the writ petitioner reiterating the affidavit contents prayed to set aside the appointment of the 5th respondent as Matadhipathi and consequently prayed to appoint the writ petitioner as Matadhipathi. Cited the judgment of the Hon'ble Apex Court in the case of ***Sri Sri Sri Lakshmana Yatendrulu and others v. State of Andhra Pradesh and another***[1] for the proposition that while appointing the Matadhipathi, the Commissioner shall consult and obtain opinion of the eminent persons in the field of religion, philosophy and Sampradaya to which the Mutt belongs to satisfy himself that the nominee possessed the prescribed qualifications under sub-section (2) of Section 53 of the Act and is not disqualified under sub-section (2) of Section 51 and would

[1] (1968) 8 SCC 705

take a decision before granting recognition. In case he would choose to refuse recognition to the nomination, the Commissioner should give an opportunity of being heard to the Mahant and the nominee giving the grounds on which he proposes to refuse recognition and consider the same.

17. Learned counsel Sri D.V. Sasidhar appearing for the petitioner in W.P. No.2404 of 2026 and learned counsel Sri J.V. Phaniduth for the petitioner in W.P. No.2625 of 2026 would submit that according to Mutt Rules, 1987, the Commissioner failed to convene a meeting of the Matadipathis of other Mutts of the same Sampradaya and also failed to issue any notice to the disciples concerned with the Mutt and thereby contravened the prescribed procedure due to political pressure while appointing 5th respondent as Matadipathi. Hence, it is prayed to declare the appointment of the 5th respondent as unsustainable in law and to set aside the appointment of the 5th respondent as Matadipathi.

18. The 5th respondent has filed counter affidavit and denied all the averments made in the affidavit filed in support of the writ petitions. Inter alia it is contended that the writ petitioner worked as ticket clerk in the subject Mutt from July 2006 and got promoted as Office Assistant in April, 2018 and the same is evident from the record of the subject Mutt and the same is suppressed in the affidavit and contended that he was in religious service while assisting the previous Matadhipathi and it is

incorrect to say that a person who got guropadesam got preferential right. And the petitioner did not even place such nomination before the Court, since it is not satisfying the statutory requirement, such nomination has no consequence and credibility. Ultimately, the practice and usage is to be observed keeping in view of the interest of whole institution which can be considered by the Sammelan of Matadhipathis of similar nature. Such son succeeded as Matadhipathi, the 5th respondent being the eldest son, a ceremony of Pattabhishekam (coronation) was conducted on the 13th day following the demise of the then existing Matadhipathi, in accordance with the usage and customs of the Mutt governing the tenure of the office. The rule of succession is primarily laid down by the founder; where no such rule is laid down, succession follows the usage and customs of the Mutt, and where no such usage or custom exists, it is determined according to the law of succession for the time being in force, subject to the permission of the Dharmika Parishad. While appointing the 5th respondent as Matadhipathi, the custom, usage was particularly followed.

19. Furthermore, learned designated Senior Counsel Sri V. Venugopal Rao for the 5th respondent contended that the petitioners herein have filed writ of mandamus rather than a writ of certiorari. Even assuming that the present writ petition is filed in the nature of writ of certiorari, the Hon'ble Supreme Court held that writs, as are referred to

in Article 226 of the Constitution of India, are obviously intended to enable the High Court to issue them in grave cases where the subordinate Tribunals or Bodies or officers act wholly without jurisdiction, or in excess of it, or in violation of the principles of natural justice, or refuse to exercise a jurisdiction vested in them, or there is an error apparent on the face of the record, and such act, omission, error, or excess has resulted in manifest injustice. However, extensive the jurisdiction may be, it seems to us that it is not so wide or large as to enable the High Court to convert itself into a Court of appeal and examine for itself the correctness of the decision impugned and decide what is the proper view to be taken or the order to be made. The writ Court cannot assume the role of an appellate Court by re-appreciating or reassessing the evidence. And placed reliance on the judgments of the Hon'ble Apex Court in the case of ***Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others***[2] for the above said proposition and also relied order of a Coordinate Bench of this Court in W.P. No.4715 of 2025 dated 18.02.2026.

20. Heard learned designated senior counsel Sri Girish Kumar assisted by R.K. Acharyalu for writ petitioner and learned designated senior counsel Sri V. Venugopal Rao assisted by V. Himabindu learned counsel for respondent No.5 and learned counsel Sri J.V.Phaniduth for

[2] (2023) 16 SCC 462

respondent No.6 and learned counsel Sri D.V. Sasidhar and learned A.G.P. for Endowments and Sri T. Venugopal Rao for Mutt.

21. **Point for consideration**:

Section 54(2) of Act 30 of 1987, in conjunction with the Administration of Mutt Rules, 1987 established under G.O.Ms.No.218, Revenue (Endowments-1) dated 07.03.1988, outlines guidelines for the appointment of a Matadhipathi. According to this Section, the Endowment Commissioner must convene a meeting with the Mathadhipathis from other Mutts of the same sampradayam and the disciples of the Mutt following appropriate publication. The individual nominated during such meetings will be recognized as a Mathadhipathi, subject to the provisions of the Act. The procedure for convening the meeting and the method of publication are prescribed under the Administration of Mutt Rules, 1987. The rules stipulate that the location and timing of the meeting must be announced to the Matadhipathis and disciples at least one month prior to the meeting date, through a notice published in newspapers at the expense of the Mutt. Additionally, the notices should be displayed on the notice board of the Mutt and at the offices of the Commissioner, Regional Joint Commissioner, Deputy Commissioner, and Assistant Commissioner of the Endowments Department, as well as in other prominent locations.

22. However, no notice was issued to the disciples of the Mutt, and no Matadhipathi was present at the meeting. It is acknowledged that the Mutt has disciples. The videograph that recorded shows that the Commissioner receiving the representations from the rural villagers, thus, the selection or nomination of the 5th respondent as Matadhipathi contravenes Section 54(2) of Act 30 of 1987 and the Administration of Mutt Rules, 1987. A Division Bench of this Court has specifically directed the Commissioner of Endowments to adhere to the procedures established under Act 30 of 1987 when any Matadhipathi is made for the Mutt.

23. The specific claim of the writ petitioner in W.P. No.2404 of 2026, who is a disciple of the Mutt, is that they did not receive any notification from the Mutt regarding the Matadhipathi selection. There has been no specific or evasive denial of this claim. In this situation, neither Matadhipathis nor disciples were invited or present during the selection of the 5th respondent as Matadhipathi. As a result, the entire selection process is vitiated under the law. Even in the scenario, where the eldest son is assumed to be appointed, the prescribed procedure for appointing a Matadhipathi must still be followed. Additionally, there is no regulation stating that only the eldest son of the previous Matadhipathi should be appointed.

24. With regard to the maintainability of the writ petition, a Writ of Mandamus means, a command issued by the Court directing any public authority, inferior Courts or Tribunal requiring them to act in the spirit of the opportunity therein specified which appertains to its office and nature of its duty. If the authority fails to do so or accepts its authority, the writ of mandamus can be sought. In the present case, the Commissioner has failed to exercise his authority as stipulated under Section 54(2) of Act 30 of 1987 and the Administration of Matadhipathi Rules, 1987. Therefore, Writ of Mandamus can be maintained by the writ petitioner, as the appointment of Matadhipathi is in contravention of Section 54(2) of Act 30 of 1987 and the Administration of Matadhipathi Rules.

25. In the decision reported in ***Comptroller and Auditor General of India Vs K.S. Jagganathan***[3], the Supreme Court reasoned that:

> "There is thus no doubt that the High Courts in India exercising their jurisdiction under Article 226 have the power to issue a writ of mandamus or a writ in the nature of mandamus or to pass orders and give necessary directions where the Government or a public authority has failed to exercise or has wrongly exercised the discretion conferred upon it by a statute or a rule or a policy decision of the Government or has exercised such discretion mala fide or on irrelevant considerations or by ignoring the relevant considerations and materials or in such a manner as to

[3] (1986) 2 SCC 679

frustrate the object of conferring such discretion or the policy for implementing which such discretion has been conferred.

In all such cases and in any other fit and proper case a High Court can, in the exercise of its jurisdiction under Article 226, issue a writ of mandamus or a writ in the nature of mandamus or pass orders and give directions to compel the performance in a proper and lawful manner of the discretion conferred upon the Government or a public authority, and in a proper case, in order to prevent injustice resulting to the concerned parties, the Court may itself pass an order or give directions which the Government or the public authority should have passed or given had it properly and lawfully exercised its discretion."

26. Accordingly, the Writ Petitions are allowed and the impugned order dated 13.01.2026 is hereby set aside and it is remanded to the 3rd respondent-Commissioner of Endowments, to appoint a Matadhipathi to the aforementioned Mutt following the procedure as envisaged under Section 53 and 54(2) of the Act 30 of 1987 r/w Rules of Administration of Matadhipathi Rules, 1987 scrupulously. The Commissioner of Endowments, for limited purpose can consult and obtain opinion of the eminent persons in the field of religion, philosophy and Sampradaya to which the Mutt belongs to satisfy himself that the nominee possessed the prescribed qualifications under sub-section (2) of Section 53 of the Act and it is need less to state that entire procedure shall be completed as expeditiously as possible preferable within a period of three months

from the date of receipt of a copy of the order. There shall be no order as to costs.

27. After pronouncing the order, before signing, learned designated Senior Counsel Sri V. Venu Gopal, requested this Court to direct the Commissioner of Endowments to continue the respondent No.5 as Matadipathi, till decision is taken.

28. Acceding to the request, the Commissioner of Endowments is directed to continue respondent No.5 as Matadipathi, till decision is taken for appointment of Matadipathi.

As a sequel, interlocutory applications, if any, pending in these writ petitions shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 04.11.2026

Harin

14

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

W.P. Nos.3019, 2404 & 2625 of 2026
AND 33169 OF 2025

Date: 04.11.2026

Harin