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M.G. CHARY AND ORS.

v.

THE GOVERNMENT OF ANDHRA PRADESH AND ORS.

MAY 9, 1997

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[K. RAMASWAMY AND D.P. WADHWA, JJ.]

*Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 : Sections 34(2) and 144.*

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*Hindu Law—Shri Padmavathi Ammavari Temple—Archakas and Mirasidars—Abolition of hereditary right of appointment—But such officers desirous of continuing performance of poojas in terms of gradation of archakas like the one approved in respect of the TTD employees—Direction to them to make representation to TTD—TTD to take appropriate decision.*

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While upholding the constitutional validity of various provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 this Court held that abolition of hereditary rights of archakas and other office holders was not unconstitutional\*. Consequently the mirasidars of Shri Padmavathi Ammavari Temple, Tiruchanur

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lost their hereditary rights. However some of them are desirous of continuing performance of poojas and rituals. Hence this application.

Disposing the application, this Court

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**HELD :** Under Section 142 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, the abolition of hereditary right shall not affect any honour to which any former hereditary holder of office of Shri Padmavathi Ammavari Temple is entitled by custom. The performance of the religious ceremonies, poojas and worship in religious institutions according to the samparadayams and Agamas followed therein is protected. Therefore, if the Archakas/Mirasidars are desirous of continuing performance of poojas and rituals in their capacity as archakas, in terms of gradation of the archakas like the one approved in respect of the TTD employees, they may be appointed in the respective gradations by being treated as employees of Ammavaru Devasthanam. The mirasidars are directed to make a representation to the TTD. TTD would

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consider, if necessary, in consultation with the State Government and Com-

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consider, if necessary, in consultation with the State Government and Com-

missioner of Endowments and resolve their problems, if any, and make appropriate decisions and appointment or orders in that behalf.

[364-C-H; 365-A]

*\*A.S. Narayana Deekshitulu v. State of Andhra Pradesh & Ors., [1996] 9 SCC 548, referred to.*

CIVIL ORIGINAL JURISDICTION : I.A. No. 4

IN

Transfer Case No. 175 OF 1988.

(Under Article 226 of the Constitution of India.)

D.D. Thakur, P.P. Rao, Hardev Singh, Dr. Gauri Shankar, C. Mukund, T.V. Ratnam, B. Kanta Rao, K. Ram Kumar, C. Balasubramaniam, Mrs. Asha Nair, V. Balaji, N. Ganpathy, A.T.M. Sampath, Ms. Madhu Moolchandani, S. Markandeya, Mrs. Chitra Markandeya, Ms. Meenakshi Aggarwal, A. Subba Rao, A.D.N. Rao, V. Balachandran, Jain Hansaria & Co., P.N. Ramalingam, B. Parthasarthy, Y.P. Rao, Sadhana Ramachandran, Ms. B. Sunita Rao and Ms. H. Wahi, for the appearing parties.

The Judgment of the Court was delivered by

**K. RAMASWAMY, J.** Five former hereditary Mirasidars of Shri Padmavathi Ammavari Temple, Tiruchanur, have stated that the daily and periodical pooja and other sacred rituals are being performed according to pancharatra Agamas. They are performed every day by each family through the deputies and themselves personally by a rotation on year to year basis. Shri Padmavathi Ammavari Temple, Thiruchanur was being managed by five families. They were responsible for the maintenance and cleaning the sanctum sanctorum and inner prakaram personally or through the deputies. Pooja is performed personally by one of the members of the family. They were responsible for safety of the jewellery and other valuables in the temple. After the judgment was rendered, they have suddenly been dispossessed of all the religious duties and other custodial responsibilities. It is the tradition and belief that Ammavaru is their family sister and out of devotion to their sister, they are assiduously performing daily worship of the deity with all religious fervor and devotion even many a time at their

A own expenses. Apart from the five, there are other nine qualified Archakas but all are prevented arbitrarily to perform the duties of Archaka. They are not permitted even to enter the temple. The Scheme may be framed with similar directions with regard to the Mirasidars or Pedda Jeeyangar or Chinna Jeeyangar, as the case may be, which would be applicable to TTD.

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By operation of Sections 34(2) and 144 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short, the 'Act'), all the hereditary rights stand abolished. The constitutionality of the said provisions has since been upheld; the Mirasidars of Shri Padmavathi Ammavari Temple, Tiruchanur have lost their hereditary rights. Under Section 142 of the Act, the abolition shall not effect any honour to which any former hereditary holder of office of Shri Padmavathi Ammavari Temple is entitled by custom. The performance of the religious ceremonies, Poojas and worship in religious institutions according to the samparadayams and Agamas followed therein is protected. It has already been held in *A.S. Narayana Deekshitulu v. State of Andhra Pradesh & Ors.*, [1996] 9 SCC 548, that the secular administration shall vest in the TTD which does not interfere with religious or spiritual functions including those relating to performance of the religious worship, ceremonies etc. therein. They are required to be conducted through Archakas who have been rendering service prior to the abolition. Therefore, if the Archakas/Mirasidars are desirous of continuing performance of poojas and rituals in their capacity as archakas, in terms of gradation of the archakas like the one approved in respect of the TTD employees, they may be appointed in the respective gradations by being treated as employees of Ammavaru Devasthanam; who do it in the same way as the Archakas/Mirasidars of TTD. They perform pooja and religious ceremonies in Shri Padmavathi Ammavari Temple at Tiruchanur. This Court is aware of their religious fervor, dedicated devotion and sincerity with which the erstwhile mirasidars conducted their duties, performed daily, periodical or special poojas or festivals to Shri Padmavathi Ammavaru. Some of them are practising as advocates at the Bar. Therefore, we hope and trust that the TTD would appoint them with equal gradations as is being done in TTD and appoint them in the respective gradations of the archakas needed in Shri Padmavathi Ammavari Temple. In that behalf, when we suggested, Shri P.P. Rao has fairly stated that the former mirasidars should make a representation to the TTD and the Government.

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They would look into the matter and resolve any of the problems the mirasidars have in that regard. The mirasidars are directed to make a representation to the TTD. TTD would consider, if necessary, in consultation with the State Government and Commissioner of Endowments and resolve their problems, if any, and make appropriate decisions and appointment or orders in that behalf. A

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The I.A. is accordingly disposed of.

T.N.A.

Petition disposed of.