

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.7992 of 2022

ORDER:

Heard learned counsel for the petitioners; learned Standing Counsel for the 4th respondent-Temple and learned Government Pleader for Endowments.

The present writ petition is filed declaring the action of the respondents in not allowing the petitioners to collect the human hair for the entire year except for the period of Brahmotsavams, which was conferred as a customary right by the 4th respondent temple in favour of the petitioners and putting the same for public auction vide notice dated 05.02.2022, as illegal, arbitrary and against the principles of natural justice.

Learned counsel for the petitioners contended that the petitioners herein are rendering services to the 4th respondent temple by way of tonsuring work as well as bhajantries. As per clause (4) of the register maintained under Section 43 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act'), they were conferred customary right and provided land to an extent of Ac.2.75 cents in Survey No.559 and Rs.2/- out of Rs.5/- collected for tonsuring work and collection of hair out of tonsuring work as their remuneration for service rendered by them. He further contended that upon the recognition of customary right by the temple and the same was enumerated in the register, since then they have been enjoying the land as well as share of ticket price apart from collection of hair all these days. To the surprise of the petitioners, now the 4th respondent temple already issued a notice conducting

public auction in respect of collection of hair. He also contended that in the said auction conducted by the 4th respondent temple, the 5th respondent herein became the successful bidder in respect of collection of hair. But so far he was not put in possession of the said collection of the hair, which would commence from 01.04.2022 to 31.03.2023. If this is allowed, they will be put to irreparable loss and their livelihood will be jeopardized.

Learned Standing Counsel for the 4th respondent contended that even though a customary right was registered at register of 4th respondent temple, which is maintained under Section 43 of the Act, the present system has been changed in so many respects and now the rate of ticket is enhanced from Rs.5/- to Rs.25/-. The entire amount is sharing by the petitioners only and the collection of hair is not that much noteworthy at that time for rest of the period, other than the Brahmotsavams period, as such it was left over for the petitioners towards their service. Now at present it is fetching to lakhs of amount so it cannot be parted to the petitioners. Hence, they are not entitled for collection of hair and auction already conducted and 5th respondent became successful bidder; and his period of lease should be commenced from 01.04.2022 onwards and he must be entrusted the work of collection of hair as per the auction notice.

Learned Government Pleader for Endowments contended that all the service inams in respect of Mirasidars (petitioners shall come under the definition of Mirasidars) apart from Archakas, Pujaris and all others were abolished by virtue of the present Act. Sections 34 and 144 of the Act deal with abolition of all types of

services and their service imams all should be provided by way of salaries or other means, which is to be settled by the temples.

Having considered the contentions of the learned counsel for the petitioners as well as respondents, it is a fact that even after abolition of the service imams, conferred upon the petitioners, for one reason or other that was continued till today and they were allowed to enjoy all the customary rights till 14.02.2022. As such, taking away of any right, which was continued for decades together, even though they are not entitled for the same and having considered the long years of enjoyment, such service inam cannot be deprived of without providing an opportunity and any type of other means of settlement. Therefore, the petitioners are directed to submit a specific representation to the 2nd respondent mentioning all their rights and probabilities. After receipt of the said representation, the 2nd respondent or any person authorized by him is directed to consider the case of the petitioners while taking away the right of service imams, which was allowed and enjoyed all these years, in a sympathetic manner and to the way to provide livelihood to the persons, who are rendered services to the temple. Such exercise shall be completed within a period of four (4) weeks from the date of receipt of such representation. Till then, the 4th respondent temple is directed not to commence the collection of the hair by the 5th respondent but it should be collected and kept by the temple.

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

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

Date: 31.03.2022

Note: Issue CC tomorrow

(B/o)

Ivd

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.7992 of 2022

Dated: 31.03.2022

Ivd