

[2026 LiveLaw \(SC\) 569](#)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

J.K. MAHESHWARI; J., ATUL S. CHANDURKAR; J.

SLP (Civil) No. 38500 OF 2025; May 29, 2026

ARJUN DASS versus THE STATE OF ANDHRA PRADESH AND ORS.

Maharashtra Industrial Development Act, 1961 – Maharashtra Municipal Corporation Act, 1949 – Maharashtra Regional and Town Planning Act, 1966 – Property Tax vs. Service Charges – Exemption from Municipal Taxation - Territorial Jurisdiction of Municipal Corporation over Industrial Areas - the Trans Thane Creek (TTC) Industrial Area developed by the Maharashtra Industrial Development Corporation (MIDC) falls within the notified municipal limits of the Navi Mumbai Municipal Corporation (NMMC) - The revenue jurisdiction of the villages remains unaffected by their vesting with the MIDC for development - The power to impose and collect property tax (which includes water tax, sewerage tax, general tax, etc.) vests exclusively with the Municipal Corporation under Sections 127 and 128A of the MMC Act - the MIDC is only empowered under Section 17 of the MID Act to levy fees or service charges to cover its maintenance expenses - A fee/service charge linked to a specific amenity involves the element of quid pro quo and cannot be equated to a tax - the NMMC has the authority to levy property tax even if plot holders pay service charges to the MIDC. [Paras 58 – 69, 73-89]

Scope of Exemption Under Clause 7(1) of the First Schedule, MRTP Act - The statutory exemption from property tax provided under Clause 7(1) of the First Schedule of the MRTP Act applies not only to the MIDC itself but extends to all individual unit/plot holders occupying lands vesting in the MIDC - Restricting this exemption solely to the authority would render the provision otiose and absurd - This tax exemption is conditional and remains operational only so long as the industrial authority continues to provide the municipal amenities - Once the maintenance and infrastructure responsibilities are transferred to the Municipal Corporation (as done via the MoU/Agreement dated 01.12.2005 between MIDC and NMMC), the exemption ceases to exist - the NMMC is fully empowered to collect property tax from the plot holders from the date of such transfer. [Relied on Commr., Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, (1954) 1 SCC 412; Corporation of Calcutta and Anr. v. Liberty Cinema, 1964 SCC OnLine SC 65; Sreenivasa General Traders and Ors. v. State of Andhra Pradesh and Ors., (1983) 4 SCC 353; Government of Kerala and Another v. Mother Superior Adoration Convent, (2021) 5 SCC 602; Paras 97 – 105]

For Appellant(s): Mr. Arvind Datar, Sr. Adv. (argued by) Mr. Gopal Shankarnarayanan, Sr. Adv.(argued by) Mr. Sanjeev Kumar Kapoor, Adv. Mr. Aakash Bajaj, Adv. Mr. Avirat Kumar, Adv. Ms. Sania Abbasi, Adv. Mr. Pradyut Kashyap, Adv. M/s Khaitan & Co., AOR Mr. Amol Chitale, Adv.(argued by) Mr. Sarthak Sharma, Adv. Mrs. Pragya Baghel, AOR.

For Respondent(s): Mr. C U Singh, Sr. Adv. (argued by) Mr. Vinay Navare, Sr. Adv.(argued by) Mr. Gopal Sankaranarayanan, Sr. Adv.(argued by) Mr. Deepak Nargolkar, Sr. Adv. Mr. Shrirang B. Varma, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Suhaskumar

Kadam, Adv. M/S. Black & White Solicitors, AOR Mr. Soumik Ghosal, AOR Mr. G Pal, Adv. Ms. Shyamali Gadre, Adv. Mr. Gaurav Singh, Adv. Mr. Ashutosh Chaturvedi, Adv. M/S. Karanjawala & Co., AOR Mr. Kunal Mimani, AOR Mr. Kartikey Bhatt, Adv. Mr. Mandeep Singh, Adv.

J U D G M E N T

J.K. MAHESHWARI, J.

1. Leave Granted.

2. This Appeal has been preferred assailing the final judgement of High Court of Andhra Pradesh (hereinafter, '**High Court**') dated 09.05.2025 in CMA No. 538 of 2023, whereby order dated 24.11.2023 of the Dharmika Parishad, Endowments Department, Vijayawada, Andhra Pradesh (hereinafter, '**Dharmika Parishad**'), G.O.Ms. No. 581 of 2023 dated 08.12.2023 under section 51(4) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter, '**1987 Act**') by the Revenue (Endowments-II) Department, Government of Andhra Pradesh, as well as order dated 19.01.2024 were affirmed by the High Court.

3. In the present Appeal, the Appellant is the incumbent Mathadhipathi¹ of Sri Swamy Hathiramji Mutt, Tirupathi, Andhra Pradesh (hereinafter, '**Mutt**'), who is aggrieved by his removal from the post of Mathadhipathi of the Mutt as well as subsequent appointment of one Shri Om Prakash as interim Mahant or Fit Person. Respondent No. 1 is the State of Andhra Pradesh and Respondent No. 2 is the Dharmik Parishad. Respondent Nos. 3-5 are the Commissioner of Endowments, Regional Joint Commissioner of Endowments and the Mutt, respectively, whose action has been challenged.

FACTUAL BACKDROP

4. The fact of the present Appeal finds its inception back in the year 1970. As per the Appellant, he has been associated with the Mutt since the year 1970. The Appellant was a disciple of his Guru, Sri Devender Dassji Varu, the then Mathadhipati. In the year 1975, he was appointed as Pujari. With time, he rose through the ranks, and was appointed as Adhikari in 1985, and then Interim Mahant in the year 1990.

Appointment as Mahant and related Proceedings

5. The Akhil Bharatiya Sri Panch Digambar Ani Akhada, Nasik (hereinafter, '**Akhada Panchayat**'), which is the apex organization of Hindu Sants, Sadhus and Mahants, in its meeting held on 01.11.1999 confirmed the Appellant as the only surviving disciple of his guru and being fully qualified and eligible, therefore, appointed as the permanent Mahant of the Mutt *vide* the order passed by Respondent No. 3 on 06.07.2000 (hereinafter, '**Appointment Order**') under Section 53(1) of the 1987 Act.

¹ Also known as Mahant

6. On 08.10.2000, the Akhada Panchayat met on the occasion of the *Pattabhishekam* of the Appellant and declared him as the 21st Mahant of the Mutt.

7. It is borne from the records that in the year 2002, soon after his appointment, the Appellant filed W.P. No. 4326 of 2002 in which it was prayed that the endowments department be made to handover the secular affairs of the Mutt to him as certain government officers continued to be in-charge of the Mutt property even after his appointment. Since this writ petition filed by the Appellant was pending, the Endowments department set-aside the Appointment of Mathadhipathi *vide* order dated 10.07.2003 in revision proceedings initiated *suo motu*. Being dissatisfied of the setting aside of the Appointment Order, the Appellant filed W.P. No. 14856 of 2003 before the High Court. Learned Single Judge of the High Court allowed both the writ petitions *vide* a common judgment dated 27.01.2006, setting aside the order dated 10.07.2003 directing the revenue authorities to handover the secular affairs of the Mutt to the Appellant. Aggrieved, W.A. Nos. 258 and 259 of 2006 was preferred by the authorities. During the pendency of the writ appeals, the Division Bench of the High Court, by its interim order dated 07.09.2006, vacated the *status-quo* granted *vide* its earlier order dated 13.03.2006 and observed that if the property of the Mutt continues to remain in the hands of the officers of the government, there are possibilities that the property will be frittered away and by the time appeal is decided, nothing would be left. At this stage, it is imperative to note that the writ appeals, i.e., W.A. Nos. 258 and 259 of 2006, are still pending for consideration before the High Court.

8. In compliance of the above directions, the Government of Andhra Pradesh issued G.O.Ms.No.1678 dated 14.11.2006, directing the Commissioner of Endowments to hand over the management of secular affairs of the Mutt, including its properties, to the Appellant.

2017-18 Suspension Proceedings

9. On 28.12.2017, some reports were published in one *Mayavi* Newspaper regarding misconduct done by the appellant regarding management of the Mutt. *Vide* order dated 28.12.2017 the Respondent no. 4 issued an enquiry notice against the Appellant on the basis of the aforesaid news publications. Later, *vide* Memo No. 959404/Endt-II/2017 dated 02.01.2018, Respondent no. 1 wrote a letter to the Respondent no. 3, requesting to examine representations filed by Shri Arun Dass (a former Pujari) and Shri D Nagarjuna Sharma, in relation to allegations made against the Appellant. Aggrieved by the enquiry notice and the memo, the Appellant filed W.P. No. 9716 of 2018. Learned Single Judge granted interim relief in favour of the Appellant by its order dated 03.04.2018 and suspended the consequent proceedings. Later, W.P. No. 9716 of 2018 was dismissed as infructuous *vide* order dated 15.09.2023.

10. Notwithstanding the continuation of the interim order dated 03.04.2018 in W.P. No. 9716 of 2018, the Commissioner of Endowments passed an order dated 28.01.2020 suspending the Appellant from the office of Mahant by

framing 24 charges. Aggrieved thereby, the Appellant filed W.P. No. 2391 of 2020 challenging the said suspension order. The High Court, *vide* order dated 10.02.2020, allowed the Appellant to continue as Mathadhipati, the challenge against this interim order filed by the Dharmika Parishad travelled up to this Court, which was dismissed and therefore, the order dated 10.02.2020 attained finality. Ultimately, the High Court allowed W.P. No. 2391 of 2020 on 13.04.2023, setting aside the suspension order and remitted the matter to the Dharmika Parishad to proceed and take action in accordance with law, if so advised.

Appointment of Screening Committee and Related Proceedings

11. While W.P. No. 9716 of 2018 and W.P. No. 2391 of 2020 were pending before the High Court, the Respondent no. 1 issued order dated 24.12.2021, appointing a screening committee to look after the day-to-day affairs of the Mutt.

12. Challenging the order dated 24.12.2021, the Appellant filed W.P. No. 707 of 2022. However, *vide* order dated 07.01.2022, this writ petition was closed on the basis of statement of the counsel for the Endowments Department that there is no proposal at that point of time for appointment of screening committee or preparation of a scheme. While closing the writ petition, the learned Single Judge left it open to the Appellant to again file appropriate proceedings in case any action is initiated.

Constitution of Dharmika Parishad and Consequent Charge Framing and Suspension Proceedings

13. It is pertinent to note at this stage that the State Government of Andhra Pradesh, *vide* G.O.Ms. No. 571 dated 13.08.2022, constituted the Dharmika Parishad for a period of three years comprising 21 members under Section 152 of the 1987 Act. All 21 members of the said Parishad are either ex-officio State functionaries or nominees of the State Government. The Appellant has also challenged the vires of Section 152 of the 1987 Act separately in W.P. No. 16954 of 2023, which is pending before the High Court as on the date of this judgment.

14. Subsequently, the Dharmika Parishad convened a meeting on 09.05.2023, in which it authorized the legal advisor to prepare charges and suspension proceedings in consultation with the Advocate General against the Appellant while relying on order of the High Court dated 13.04.2023 in W.P. No. 2391 of 2023. Relevant portion of the resolution reads as thus:

“The Dharmika Parishad has unanimously resolved that the Legal Advisor, Endowments is hereby authorised to prepare charges and suspension proceedings in consultation with Advocate General against to the Sri Arjun Dass, present Mahant, Sri Swamy Hathiramji Mutt, Tirupathi. The Commissioner/Member Secretary is hereby authorised to place Sri Arjundass, present Mahanth under suspension duly keeping a suitable officer as an Administrative Officer of the Mutt for day-to-day administration of the Mutt as provided u/s 52 of the Act and to appoint an enquiry officer to enquire into the charges framed against Sri Arjun Dass. The Member Secretary concluded the meeting accordingly.”

15. Pursuant to the above resolution, on 08.06.2023, the Dharmika Parishad passed the following three orders simultaneously and on the same date:

- (a) Order bearing Rc.No.DP1/19027(37)/8/2018-1 dated 08.06.2023 framing sixteen (16) charges against the Appellant;
- (b) Order suspending the Appellant from the office of Mathadhipati; and
- (c) Order appointing an administrator called the 'Fit Person'.

Pursuant to this, the Endowments Department physically seized the Mutt office as well as the appellant's residence on 08.06.2023 itself.

16. Aggrieved by these orders passed on 08.06.2023, the Appellant filed W.P. No. 13919 of 2023. On 26.06.2023, counter affidavit was filed in this writ petition. Later, *vide* order dated 04.10.2023, learned Single Judge dismissed this writ petition. Writ Appeal No. 1080 of 2023, preferred against the order in the writ petition, is still pending as on date of this judgment.

17. During pendency of this writ petition and in pursuance to the charge-memo dated 08.06.2023, the Dharmika Parishad issued notice dated 14.07.2023 whereby the Appellant was directed to appear before a three-member committee for enquiry on 19.07.2023. This notice was served to the Appellant through WhatsApp.

18. The Appellant, through his Advocate, sent three separate communications in reply, each of which is of significance. The *first*, dated 17.07.2023, was sent by email to all the concerned authorities. It was informed to the Dharmika Parishad that:

- (a) W.P. No. 13919 of 2023 was pending before the High Court;
- (b) The Appellant, aged 67 years, having been unceremoniously expelled from the Mutt premises while on pilgrimage, had fallen ill with viral fever at Ayodhya;
- (c) The entire record of the Mutt was seized and in possession of the Respondents; and
- (d) None of the documents forming the basis of the charge memo had been furnished to the Appellant.

The Appellant requested that all documents be supplied and one month's time be granted to submit a statement of defence, and that in the meanwhile the enquiry be deferred.

19. The *second* communication was a legal notice dated 24.07.2023, personally delivered to the office of the Dharmika Parishad by the Appellant's Advocate, who obtained an acknowledgement bearing E. No. 7664237/2023. The *third* was an email dated 31.07.2023, reiterating the earlier request.

Enquiry Committee Report and Removal Order

20. The Enquiry Committee concluded its enquiry on 19.07.2023 and submitted its report on 01.08.2023. For sake of convenience, a summary of all

the charges with respective findings are produced in a tabulated format as follows:

S. No.	Charges	Findings
1.	The appellant entered into a sale agreement on 23.03.2009 with M/S Billiyards Farms Pvt. Ltd. to sell away mutt property under Sy. Nos. 13, 15, 17, 3 & 5 at Avilala Village for Rs. 16 Cr. without following the procedure laid down u/s 80 of 1987 Act	Proved
2.	Acquired immovable properties in his personal name in Madhya Pradesh during tenure as Mahant	Proved
3	Misappropriated Mutt funds by depositing in personal FDRs during demonetization period	Proved
4.	Violated monastic custom by maintaining wife (Smt. Ramavathi) and son (Boludass), contrary to eligibility norms	Proved
5.	Maintained immoral relationship with Hema Maheswari and executed MoU dated 04.12.2007, violating Mutt Parampara	Proved
6.	Appointed family members in branch Mutts without permission	Proved
7.	Nepotistic appointments in branch Mutts without statutory approval	Proved
8.	Failed to appraise gold and silver ornaments of the Mutts	Proved
9.	Violated statutory rules regarding jewellery verification	Proved
10.	Delayed statutory employee benefits (increments, DA, surrender leave, PRC fixation)	Proved
11.	Failed to comply with High Court judgement dated 13.06.2013 in Second Appeal No. 606/1999, 443, 468 and 472 of 2000	Proved
12.	Failed to pay statutory dues to Endowments Department	Proved
13.	Failed to protect Mutt properties and allowed encroachments	Proved
14.	Failed to safeguard Mutt properties insofar failed to get adequate lease/license fee for subject properties	Proved
15.	Failed to defend various court cases properly despite Commissioner's Memo dated 09.02.2023	Proved
16.	Negligent litigation management causing prejudice to Mutt	Proved

21. *Vide* show cause notice dated 19.10.2023, Dharmika Parishad sought explanation from the Appellant, calling him to submit explanation within 15 days from the date of receipt of the notice as to why punishment should not be imposed on him as per provisions of the 1987 Act and extant rules and in case he fails to do so, further action shall be taken on the basis of the material available on record. On 03.11.2023, the Appellant submitted his explanation and on 16.11.2023, he requested Dharmika Parishad to conduct enquiry afresh after supplying the documents. Finally, on 24.11.2023, Dharmika Parishad passed an order for removal (hereinafter, '**Removal Order**') of the Appellant under Section 51(2) of the 1987 Act. While passing the Removal Order, the Dharmika Parishad found all the charges to be proved and in conclusion, directed the Appellant to handover the complete charge of the Mutt and its movable and immovable properties to the *Fit Person* of the said Mutt immediately. Revenue (Endowments-II) Department, Government of Andhra Pradesh confirmed the Removal Order passed by the Dharmika Parishad *vide* G.O.Ms. No. 581 dated 08.12.2023. Subsequently, order dated 19.01.2024 was also issued by the Dharmika Parishad regarding the appointment of one interim Mahant.

22. The Appellant filed Civil Miscellaneous Appeal No. 538 of 2023 before the High Court under Section 51(4) of the 1987 Act, challenging the Removal Order dated 24.11.2023, G.O.Ms. No. 581 dated 08.12.2023 and the consequential order dated 19.01.2024 issued by the Dharmika Parishad directing identification of a new Mathadhipati. The High Court granted interim protection to the Appellant by a detailed order dated 16.02.2024. After hearing the matter at length, the High Court, by the impugned judgment dated 09.05.2025, dismissed C.M.A. No. 538 of 2023, upholding the removal of the Appellant. Findings of the High Court can be summarized as follows:

(a) Appellant did not make any specific denial to the averment of the Respondents that all the relevant documents and materials were supplied to the appellant in a previous writ petition i.e., W.P. No. 13919 of 2023.

(b) The manner in which the Appellant replied to the charges in minute details, it clearly indicates that the Appellant was served with supporting documents in addition to the charge-memo.

(c) True intent of serving the charge-memo and supporting documents was complied in the present case. Hence, principles of natural justice was followed.

(d) The appellant was duly represented before the Dharmik Parishad and therefore, he cannot contend this plea successfully.

(e) Charge no. 1 is not sound as no final sale ever took place. The proposed sale was under consideration before the High Court and was cancelled by forfeiting the advance amount of sale. Charge 4 of violation of celibacy was held to be not proved. Charge 13 relating to increase in encroachments was also held to be not proved as there was no actual survey conducted at the time of taking charge of the properties of the Mutt by the Appellant.

(f) In regard to other charges, the High Court affirmed the findings of the Dharmik Parishad.

Aggrieved by these findings, the Appellant has preferred the present Appeal.

23. This Court issued notice in this Appeal *vide* order dated 17.12.2025 and stayed the operation of the impugned order as well as the removal order. In the *interregnum*, I.A. No. 43904 of 2026 was filed by the Respondents seeking to vacate the stay, which was dismissed by order dated 27.02.2026. On the same day, while entertaining I.A. No. 19343 of 2026 seeking a direction regarding implementation of stay order by restoring *status quo ante* and handing over charge of the office of Mathadhipathi to the Appellant, the interim protection was continued subject to conditions that the Appellant shall not dispose of any properties of the Mutt, and shall maintain accounts and expenditure details to be produced as and when directed by this Court. Subsequently, arguments of both the parties were heard at length on 20th May, 2026 and it was reserved for the judgment.

ARGUMENTS ADVANCED

24. Mr. Puneet Jain, learned Senior counsel appearing for the Appellant, contended as follows:

24.1. The first and most fundamental infirmity in the present proceedings is the non-supply of the complete charge memo and the 29 relied-upon documents before and at the time of the enquiry. The charge memo of 27 pages is accompanied by 29 supporting documents running over to 600 pages. The right to respond to a charge, guaranteed by Section 51(2) of the 1987 Act, has been rendered nugatory because of the conduct of the Dharmik Parishad.

24.2. On the alleged service by affixation, it was submitted that the Panchanama dated 09.06.2023 and the photographs dated 08.06.2023 and 09.06.2023, filed by the Respondents themselves, reveal that only six pages of relevant orders were affixed on the gate of the Mutt, where the Appellant used to reside. Those six pages were confined to the Fit Person's appointment order. This is not a disputed fact as it emerges from the Respondents' own documents. Moreover, as on the date of the alleged affixation, the physical possession of the Mutt premises including the Appellant's residence had already been taken over by the Endowments Department on 08.06.2023 itself.

24.3. On the alleged service by email, it is submitted that the email was sent to the institutional Mutt email address hathiramjimutt@yahoo.com on 08-09.06.2023 i.e., the day on which the Fit Person was appointed to take charge of the Mutt. By 13.06.2023, the Fit Person had assumed charge of all Mutt functions including, the Mutt email account. Whether the Appellant received or had access to this email after his dispossession from the Mutt is, at the very least, not established by the Respondents.

24.4. The Respondents' further contention, as accepted by the High Court, that the documents were supplied as annexures to the counter affidavit filed in W.P. No. 13919 of 2023 and therefore the Appellant "must have" had them, is, with respect, *a non sequitur*. The counter affidavit was filed in the High Court writ petition. Even assuming the Appellant received those documents through that channel, the supply occurred after the Enquiry Committee had already concluded the enquiry on 19.07.2023.

24.5. The High Court's finding, that "the way in which the Appellant answered each charge with reference to supporting documents in minute detail clearly indicates that the Appellant was served with the supporting documents", is based on a perverse inference.

24.6. The principle *nemo iudex in causa sua* is not a technical rule of procedure. Its violation does not require proof of actual bias, reasonable apprehension of bias is sufficient. The three members of the Enquiry Committee who conducted the enquiry on 19.07.2023 were members of the very body, the Dharmika Parishad, that had on 09.05.2023 resolved, unanimously and without any charge having yet been framed, that the Appellant would be both charged and

suspended. A member of a body that has already collectively determined the course of action cannot then sit as an impartial enquiry officer.

24.7. It is also urged that the Dharmika Parishad in the present case is, by its constitution under G.O.Ms.No.571 dated 13.08.2022, composed entirely of State nominees and ex-officio government functionaries. Where the body that initiates removal proceedings, selects its own members to enquire into the charges, receives the enquiry report, and passes the final removal order is composed entirely of agents of the State, and particularly where the history of proceedings reveals repeated attempts by the State to control the administration of the Mutt, there is a conflict of interest. In this manner, entire proceeding is *coram non judice*.

24.8. The appellate jurisdiction vested in the High Court under Section 51(4) of the Act is not a mere supervisory or certiorari-like jurisdiction. It is a full appellate jurisdiction that requires the High Court to independently examine the evidence, frame points for determination, and return reasoned findings on each material issue. The impugned judgment, fails to frame any point for determination and resolve the Appellant's specific and documented complaints of non-supply of documents and non-grant of opportunity. The judgment merely summarizes the charges and the parties' contentions, and then records a finding that the removal order 'cannot be set aside', without any independent reasoning.

24.9. Even if the charges partially affirmed by the High Court are taken at their highest, the learned Senior Counsel submits that the punishment of removal is grossly disproportionate and not sustainable on the nature of charges as pressed.

25. *Per Contra*, Mr. Sidharth Luthra, Senior Counsel appearing for the Respondents, submitted as follows:

25.1. The contention of non-supply of the charge memo and documents is factually incorrect and has been rightly rejected by the High Court. The charge memo and all relied-upon documents were served on the Appellant through (i) by affixation on the door of the appellant's residence under a Panchanama dated 09.06.2023 duly recording the service; (ii) by email dated 08.06.2023 from the office of the Commissioner of Endowments to the Assistant Commissioner, Endowments, Tirupathi, with direction to serve the same on the Appellant; and (iii) by email dated 09.06.2023 from the office of the Commissioner to the Mutt email address hathiramjimutt@yahoo.com, which had been operated by the Appellant till the Fit Person assumed charge on 13.06.2023.

25.2. In addition, the charge memo and all necessary documents were annexed to the additional counter affidavit of Respondents No. 2 and 3 filed in W.P. No. 13919 of 2023, which was the Appellant's own challenge to the orders dated 08.06.2023. The High Court rightly observed that the manner in which the Appellant addressed each of the 16 charges in minute detail, with specific references to each supporting document, conclusively demonstrates that he was in possession of the relied-upon documents at the time he submitted his explanation.

25.3. Even if there were some delay or deficiency in supply of documents, the same does not *ipso facto* vitiate the enquiry if the person charged was not actually prejudiced. In the present case, having regard to the Appellant's own replies to each charge replete with specific references to documents and facts, there is no demonstrable prejudice.

25.4. The enquiry was conducted by a three-member committee constituted under Rule 26 of the Rules framed under G.O.Ms.No.1206 dated 25.11.2009 (*Hereinafter referred to as, 'the 2009 Rules'*), a procedure specifically prescribed under the rules for this purpose. The constitution of the Enquiry Committee from members of the Dharmika Parishad is not merely permissible but is specifically contemplated by the applicable Rules.

25.5. As to the non-participation of the Appellant in the enquiry, the record is clear. The Appellant was duly served with a notice dated 14.07.2023 directing him to appear on 19.07.2023. He did not appear. The only communication received by the Enquiry Committee was an unsigned letter from one Vinodini Ruth, claimed to be an advocate, transmitted on WhatsApp to the personal mobile of one Committee member. An unsigned letter sent on WhatsApp, and not even directly to the Enquiry Committee, cannot constitute a formal request for adjournment or supply of documents in the context of statutory disciplinary proceedings. The Enquiry Committee was accordingly justified in proceeding ex-parte on 19.07.2023.

25.6. It is also submitted that the suspension of the Appellant under Section 51(3) of the 1987 Act is not a punitive step but a measure authorized by the statute to protect the institution during the pendency of enquiry proceedings. This Court's judgment in **Lakshmi Devi Sagar Mills Ltd. v. Ram Sarup**² makes clear that suspension pending enquiry is not punishment.

25.7. If there were any procedural deficiency at the stage of the enquiry, the same was fully cured by the extensive opportunity afforded to the Appellant at the stage of the Dharmika Parishad's final proceedings. The Appellant submitted detailed explanations to the show cause notice on 03.11.2023 and 06.11.2023. After examination of these explanations, the Dharmika Parishad issued a further notice on 09.11.2023 giving the Appellant yet another opportunity for a personal hearing on 16.11.2023. The Appellant appeared on 16.11.2023 along with two advocates and made oral submissions.

25.8. The removal order dated 24.11.2023 deals with each of the Appellant's explanations and the finding on each charge. This is not a case of denial of hearing; it is a case where the Appellant received repeated opportunities.

25.9. The High Court exercised full independent appellate jurisdiction under Section 51(4) of the Act. The impugned judgment analyses each of the 16 charges individually and in some detail, considers the Appellant's explanation

² (1956) 2 SCC 445

for each charge, and arrives at its own conclusions departing from the Dharmika Parishad on Charges 1, 4 and 13 while finding them not proved.

25.10. The evidence adduced in proceedings under Section 51 of the Act is subject to the principle of preponderance of probabilities, as reaffirmed by this Court in **A.A.I. v. Pradip Kumar Banerjee**³. Strict rules of evidence do not apply in such disciplinary proceedings. The material on record, assessed on this standard, is amply sufficient to sustain the findings on each of the charges.

25.11. It is submitted that the confirmation process under G.O.Ms.No.581 dated 08.12.2023, while not preceded by a specific hearing, was consistent with the scheme of Section 51(2) of the 1987 Act, which requires confirmation by the Government as it is a function that is quasi-executive in the present statutory context and not a second round of adjudication requiring an independent hearing. The Appellant had already been afforded extensive opportunity before the Dharmika Parishad.

ANALYSIS

26. Having heard the learned Senior counsels for both the sides and having perused the records, issues that arise for our consideration is: (a) *whether the proceedings culminating in the removal order dated 24.11.2023 passed by the Dharmika Parishad, the confirmatory G.O.Ms. No. 581 dated 08.12.2023 issued by the Government, and the impugned judgment dated 09.05.2025 of the High Court of Andhra Pradesh in C.M.A. No. 538 of 2023, suffer from a breach of the principles of natural justice?* (b) *If so, what relief can be granted to the Appellant?*

27. Before advertent to the facts of the present case, it is necessary to state the applicable legal framework. The removal of a Mathadhipati from the office of the head of a religious institution is not an administrative act of ordinary character. It involves substantive civil rights involving the right to religious office and to carry on one's spiritual vocation. The constitutional guarantee of fairness in procedure, enshrined in the principle of *audi alteram partem* and evinced from Article 14 of the Constitution of India, applies with full force to such quasi-judicial proceedings. Highlighting the importance to adhere by the principles of natural justice, this Court in the case of **Canara Bank Vs. V. K. Awasthy**⁴ observed as thus:

“8. Natural justice is another name for common-sense justice. Rules of natural justice are not codified canons. But they are principles ingrained into the conscience of man. Natural justice is the administration of justice in a common-sense liberal way. Justice is based substantially on natural ideals and human values. The administration of justice is to be freed from the narrow and restricted considerations which are usually associated with a formulated law involving linguistic technicalities and grammatical niceties. It is the substance of justice which has to determine its form.

9. *The expressions “natural justice” and “legal justice” do not present a watertight classification. It is the substance of justice which is to be secured by both, and whenever*

³ (2025) 4 SCC 111

⁴ (2005) 6 SCC 321

legal justice fails to achieve this solemn purpose, natural justice is called in aid of legal justice. Natural justice relieves legal justice from unnecessary technicality, grammatical pedantry or logical prevarication. It supplies the omissions of a formulated law. As Lord Buckmaster said, no form or procedure should ever be permitted to exclude the presentation of a litigant's defence.

10. *The adherence to principles of natural justice as recognised by all civilised States is of supreme importance when a quasi-judicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is commonly known as audi alteram partem rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should apprise the party determinatively of the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. It is after all an approved rule of fair play. The concept has gained significance and shades with time. When the historic document was made at Runnymede in 1215, the first statutory recognition of this principle found its way into the "Magna Carta". The classic exposition of Sir Edward Coke of natural justice requires to "vocate, interrogate and adjudicate". In the celebrated case of Cooper v. Wandsworth Board of Works [(1863) 143 ER 414 : 14 CBNS 180 : (1861-73) All ER Rep Ext 1554] the principle was thus stated : (ER p. 420)*

"[E]ven God himself did not pass sentence upon Adam before he was called upon to make his defence. 'Adam' (says God), 'where art thou? Hast thou not eaten of the tree whereof I commanded thee that thou shouldest not eat?'"

Since then the principle has been chiselled, honed and refined, enriching its content. Judicial treatment has added light and luminosity to the concept, like polishing of a diamond.

11. *Principles of natural justice are those rules which have been laid down by the courts as being the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by a judicial, quasi-judicial and administrative authority while making an order affecting those rights. These rules are intended to prevent such authority from doing injustice."*

28. Among the indispensable facets of the rule of *audi alteram partem* is the obligation to furnish to the affected person the material and documents sought to be relied upon against him. Opportunity of hearing should be real and cannot be abstract. Unless the person proceeded against is made aware of the precise allegations, the evidentiary basis thereof, and the material forming the foundation of the proposed action, the opportunity to defend becomes illusory rather than real. In **Kashinath Dikshita v. Union of India**⁵, this Court underscored that a delinquent cannot effectively defend himself unless copies of the relevant statements and documents proposed to be relied upon are furnished to him. The Court observed:

*"10. The extracts quoted hereinabove leave no room for doubt that the disciplinary authority refused to furnish to the appellant copies of documents and copies of statements. **When a government servant is facing a disciplinary proceeding, he is entitled to be afforded a reasonable opportunity to meet the charges against him in an effective manner. And no one facing a departmental enquiry can effectively meet the charges***

⁵ (1986) 3 SCC 229

unless the copies of the relevant statements and documents to be used against him are made available to him. In the absence of such copies, how can the concerned employee prepare his defence, cross-examine the witnesses, and point out the inconsistencies with a view to show that the allegations are incredible? It is difficult to comprehend why the disciplinary authority assumed an intransigent posture and refused to furnish the copies notwithstanding the specific request made by the appellant in this behalf. Perhaps the disciplinary authority made it a prestige issue. If only the disciplinary authority had asked itself the question: "What is the harm in making available the material?" and weighed the pros and cons, the disciplinary authority could not reasonably have adopted such a rigid and adamant attitude. On the one hand there was the risk of the time and effort invested in the departmental enquiry being wasted if the courts came to the conclusion that failure to supply these materials would be tantamount to denial of reasonable opportunity to the appellant to defend himself. On the other hand by making available the copies of the documents and statements the disciplinary authority was not running any risk. There was nothing confidential or privileged in it. It is not even the case of the respondent that there was involved any consideration of security of State or privilege. No doubt the disciplinary authority gave an opportunity to the appellant to inspect the documents and take notes as mentioned earlier. But even in this connection the reasonable request of the appellant to have the relevant portions of the documents extracted with the help of his stenographer was refused...."

In view of the above, supply of relevant documents constitutes the most elementary and fundamental requirement of procedural fairness as no person can be expected to answer a case which is not fully disclosed to him.

29. At this stage, it is pertinent to note that Section 51 of the 1987 Act governs the removal of a Mathadhipathi. The same is reproduced as thus:

"51. Removal of Mathadhipathi –

(1) The 1[Dharmika Parishad] may suo motu or on an application of two or more persons having interest initiate proceedings for removing a mathadhipathi or a trustee of a specific endowment attached to a math, if he-

- (a) is of unsound mind;
- (b) is suffering from any physical or mental defect or infirmity which renders him unfit to be a mathadhipathi or such trustee;
- (c) has ceased to profess the Hindu religion or the tenets of the math;
- (d) has been sentenced for any offence involving moral turpitude, such sentence not having been reversed;
- (e) is guilty of breach of trust, or mis-appropriation in respect of any of the properties of the math;
- (f) commits persistent and wilful default in the exercise of his powers or performance of his functions under this Act;
- (g) violates any of the restrictions imposed or practices enjoined by the custom, usage or the tenets of the math, in relation to his personal conduct, such as celibacy, renunciation and the like;
- (h) leads an immoral life; or
- (i) fails or ignores to implement the principles set out in clause (17) of section 2.

(2) The 2[Dharmika Parishad] shall frame a charge on any of the grounds specified in sub-section (1) against the mathadhipathi or trustee concerned and give him an opportunity of meeting such charge, of testing the evidence adduced and of adducing

evidence in his favour. After considering the evidence adduced and other material before him, the 2[Dharmika Parishad] may, by order exonerate the mathadhipathi or trustee, or remove him. Every such order shall state the charge framed against the mathadhipathi or the trustee, his explanation and the finding on such charge together with the reasons therefor:

Provided that in the case of a math or specific endowment attached thereto whose annual income exceeds rupees one lakh, the order of removal passed by the 2[Dharmika Parishad] against the mathadhipathi or trustee shall not take effect unless it is confirmed by the Government.

(3) Pending the passing of an order under sub-section (2), the 2[Dharmika Parishad] may suspend the mathadhipathi or the trustee.

1[(4) Any mathadhipathi or trustee aggrieved by an order passed by the Dharmika Parishad under subsection (2) may within ninety days from the date of the order appeal to the High Court against such order.]”

A perusal of the above makes it clear that the Dharmika Parishad does have the power to frame charge specifying the grounds as per sub-section (1) against the Mathadhipati or Trustee. The charges so framed were required to be supplied and “opportunity of meeting such charges” used therein indicates in implied terms to supply the allegation of imputation and the basis thereof which includes the material to frame the charge. On supply of such allegation of imputation and the material thereto, the Mathadhipati may have an opportunity to meet such charges. Thereafter, in view of the documentary and oral evidence so adduced by the parties on either side, the order ought to be passed in the manner as specified. The instinct of sub-section (2) is clear and unambiguous in its terms to follow the principles of natural justice. The intention of the legislature was clear that without supply of relied upon documents *qua* the allegation, if any, meaningful rebuttal could not be possible. Therefore, in terms of the language used in the Statute, principles of natural justice are required to be adhered to in the sense as specified.

30. The submission as advanced on behalf of the Respondents that the enquiry is not vitiated in the absence of prejudice caused to the Appellant cannot be accepted in the facts of the present case. It is true that in ***State of U.P. v. Sudhir Kumar Singh***⁶, this Court explained that breach of the principles of natural justice does not invariably result in invalidation unless prejudice is shown. However, the same decision expressly carves out an exception in cases involving a mandatory procedural requirement conceived not merely in individual interest but also in public interest. The Court observed that:

“42.2. Where procedural and/or substantive provisions of law embody the principles of natural justice, their infraction per se does not lead to invalidity of the orders passed. Here again, prejudice must be caused to the litigant, except in the case of a mandatory provision of law which is conceived not only in individual interest, but also in public interest.”

In view of the literal interpretation of Section 51(2) of the 1987 Act as indicated in the preceding paragraph and in the facts of this case, where a Mathadhipati is going to be removed, it is incumbent upon the Dharmika Parishad to follow

⁶ (2021) 19 SCC 706

the principles of natural justice since religious institutions connected to the Mutt which is under the control of Mathadhipati or Trustee and consequently, the public at large, may also be affected. Therefore, in such a situation, substantive compliance of *audi alteram partem* is non-negotiable.

31. Coming to the facts of the present case, the Respondents have maintained before the High Court and before us that service was affected upon the Appellant by affixation on the door of his residence in the premises of the Mutt as per the Panchanama dated 09.06.2023. We are unable to accept this contention. The following facts are clear from the record: (i) the physical possession of the Mutt premises, including the Mahant's residence, had been taken over by the Respondents on 08.06.2023 itself *vide* order Rc.no. DP1/19027(37)/8/2018-3; (ii) the Panchanama and photographs dated 08.06.2023 and 09.06.2023, filed by the Respondents themselves, reveal that only six pages were affixed on the door and those six pages were confined to the Fit Person's appointment order; (iii) the charge memo of 27 pages and the 29 supporting documents were never affixed. In this context, to contend that service of the charge memo was completed by affixation on the door of the residence that is not in the possession of the Appellant is a legal absurdity. To hold otherwise would be to hold that the Authorities may take over a person's place of residence and then validly serve him with a legal notice by pasting it on the door of the residence it has taken over. Such a proposition would render the guarantee of fair opportunity meaningless.

32. This view finds reinforcement in the settled jurisprudence of this Court. It is a foundational principle of procedural law, reaffirmed by this Court in ***M/S Neerja Realtors Pvt. Ltd. v. Janglu (Dead) Through LR***⁷, that substituted service by affixation under Order V Rule 17 of the CPC cannot be turned into an empty technicality; it can only be validly executed on a house where the noticee actually and ordinarily resides at the time of service. In facts of the present case, once the State itself dispossesses an individual and assumes total control of the premises, the legal fiction of constructive notice collapses, as the individual can no longer be legally presumed to have access to or sight of the door. In this context, it is pertinent to note that the averments of the Appellant of not having residence on the premises of the Mutt where service was purportedly effected has not been duly controverted, either before this Court or before the High Court.

33. Furthermore, the Appellant, through his Advocate, sent three separate communications to the Dharmika Parishad and its members on 17.07.2023 (by email to official IDs through advocate), 24.07.2023 (personally served against acknowledgement), and 31.07.2023 (by email through his advocate). Each of these communications specifically requested supply of all relied upon documents and a minimum of one month to submit a defence. While not heeding to such requests, the Enquiry Committee dismissed the communication of 17.07.2023 on a technical ground that it was an unsigned letter received on the

⁷ (2018) 2 SCC 649

mobile of a committee member through WhatsApp. In our view, this conduct of the Enquiry Committee discloses a deliberate disregard for the principles of natural justice as it deprived the Appellant of any meaningful chance to test the evidence adduced against him and to adduce evidence in his favor, as mandated by Section 51(2) of the 1987 Act.

34. We are, however, unable to concur with the approach adopted by the High Court while dealing with this matter. Section 51(4) of the 1987 Act vests the High Court with appellate jurisdiction, requiring an independent consideration of the objections raised by the appellant and the recording of reasoned findings thereon. The impugned judgment appears to have proceeded on the premise that the procedural irregularities alleged in the enquiry stood sufficiently answered by the existence of material supporting certain charges. The High Court presumed the possession of documents with the Appellant based on the manner in which he addressed the charges against him. In our considered view, this presumption is ill-founded. The defect pointed out in the present case pertains to the fairness of the enquiry process itself and, therefore, strikes at the root of the proceedings. Once such a foundational infirmity is established, the question whether charges may otherwise have been capable of being sustained does not arise for consideration at the appellate stage. In fact, the High Court, while exercising the appellate jurisdiction, ought to have set aside the Impugned Order being violative of principles of natural justice and should have advised the competent authority to take recourse in accordance with law. The failure to adopt such a course furnishes an additional reason for interference by this Court.

35. At this juncture, the aspect of apparent bias and *nemo iudex in causa sua* has to be considered. It is undisputed that the enquiry committee was constituted under Rule 26 of the 2009 Rules read with Section 152(3) of the 1987 Act. For ready reference Rule 26 of the 2009 Rules is reproduced as thus:

“Rule - 26. (i) *The Dharmika Parishad may appoint, from amongst its members, such number of committees as the Dharmika Parishad deems necessary with not more than 3 members and assign to them such functions and duties as it may consider for the purpose which in turn has to submit its report to the Chairman of Dharmika Parishad.*

(ii) *A member shall cease to be a member of such Committee if he ceases to be a member of the Dharmika Parishad.*

(iii) *The Committee of the Dharmika Parishad may meet frequently depending upon the exigencies of work.”*

A bare perusal of this Rule indicates that appointment of committees as envisaged therein is in context of administrative committees and it ought not to constitute an enquiry committee. This understanding of Rule 26 of the 2009 Rules is further bolstered by reading of sub rule (ii) of Rule 26, which prescribes that members of any such committee shall first be members of the Dharmika Parishad. If read otherwise, such reading of Rule 26 of the 2009 Rules would render the principles of natural justice nugatory as the adjudicating authority cannot itself become the investigator and also the decision maker. Nonetheless, we are aware of the fact that we are not called upon in the present proceedings

to pronounce upon the constitutional validity of Section 152 of the 1987 Act, a question that is presently *sub judice* before the High Court in W.P. No. 16954 of 2023 and therefore, observations made by us in this regard are only on the facts of the case and shall not influence adjudication of the said writ petition pending before the High Court.

36. It is also pertinent to mention that the reflection of the bias in the present case can be gathered from the fact that after appointment of the Appellant as Mathadhipati by the Endowment Department in 2000, it was cancelled *suo motu* in 2003. An attempt was made to take over the entire properties of the Mutt which was made nugatory by the orders of the High Court. Again in 2017, merely on the basis of some newspaper cuttings, initiation of enquiry was made by the Dharmika Parishad against the appellant, which resulted into several rounds of litigation including the present one. Similarly, the manner in which the enquiry was done in the present case, the apprehension of the bias in the matter cannot be ruled out. In this view of the matter, we are of the opinion that an enquiry regarding the allegations against the Appellant ought to be done following the principles of natural justice by an independent body.

37. To summarize, we find that the proceedings resulting in the removal of the Appellant as Mathadhipati of Mutt are vitiated by multiple violations of the principles of natural justice – *First*, the charge memo of 27 pages and the 29 relied-upon documents running to over 600 pages were never duly served upon the Appellant. Purported service by affixation on the door of premises in the physical possession of the Respondents themselves is not service in the eyes of law; *Second*, the Appellant's requests for supply of documents and grant of reasonable time were wholly ignored, and the enquiry was conducted *ex-parte*; and *Third*, the pre-decisional resolution of 09.05.2023, directing simultaneous preparation of charges and suspension order, reveals that the entire process was predetermined and not a genuine quasi-judicial exercise of statutory power.

38. The High Court erred in holding that the opportunity afforded to the Appellant at the stage of the show cause notice dated 19.10.2023 and the hearing before the Dharmika Parishad on 16.11.2023 cured the fundamental defects in the enquiry. An opportunity afforded on the basis of a tainted enquiry report, without supply of the relied-upon documents and without an independent appreciation of evidence, cannot substitute for a valid enquiry under Section 51(2) of the 1987 Act.

39. In our opinion, use of Rule 26 of the 2009 Rules to constitute the enquiry committee is *sans* proper understanding of such Rule, especially in the peculiar facts of this case. Be that as it may, Rule 26 of the 2009 Rules has been legislated under Section 152 of the 1987 Act and the challenge to the *vires* of Section 152 is pending adjudication before the High Court. In this view, we are refraining from appreciating this aspect of the present Appeal in detail.

40. Having regard to the foregoing, we are of the considered view that the impugned order of the High Court dated 09.05.2025 in C.M.A. No. 538 of 2023 cannot be sustained. The removal order dated 24.11.2023, the confirmation

G.O.Ms.No.581 dated 08.12.2023, the consequential order dated 19.01.2024 of the Dharmika Parishad and the enquiry report of the three-member Enquiry Committee dated 01.08.2023 deserves to be set aside.

41. The ordinary course after such setting aside would be to remand the matter to the Dharmika Parishad for a *de novo* enquiry under Section 51(2) of the 1987 Act. The constitutional validity of this scheme has been affirmed by this Court in ***Sri Sri Sri Lakshmana Yatendrulu v. State of A.P.***⁸ and in ***Pannalal Bansilal Pitti v. State of A.P.***⁹. At this stage, it is pertinent to mention that Mr. Sidharth Luthra, learned Senior counsel, has informed us across the Bar that Dharmika Parishad will be constituted within four weeks. We record this submission. However, the present case stands on a different footing, and a bare remand would, in our view, leave the constitutional and legal rights of the Appellant to hold the religious position of Mathadhipati without complete vindication. Four independent and cumulatively sufficient grounds compel this conclusion. The same are expounded as follows:

(i) The violation found by us in paragraphs 29 to 36 is not the kind that can be cured by repeating the same statutory exercise before the same statutory body, even with fresh members. We are not called upon in the present proceedings to pronounce upon the constitutional validity of Section 152 of the 1987 Act, a question that is presently sub judice before the High Court in W.P. No. 16954 of 2023, and we expressly refrain from doing so. Nonetheless, it is sufficient to observe that, whatever is the constitutional validity of Section 152, the officials who by virtue of that provision would constitute several ex-officio positions in any freshly constituted Dharmika Parishad are the very officials whose prior conduct in this matter forms the subject matter of the infirmities found by us. To remand to that body, even reconstituted, would mean remanding the dispute to an institution whose structural composition re-creates the very conditions of taint.

(ii) This structural impediment is further compounded by a significant lacuna in the statutory and regulatory framework governing these proceedings. Section 51(2) of the 1987 Act empowers the Dharmika Parishad to frame charges against a Mathadhipati and mandates that he be given an opportunity of meeting such charge, of testing the evidence adduced, and of adducing evidence in his favour. This provision is, however, entirely silent on the procedure by which this is to be accomplished. No provision within the 1987 Act prescribes how the Dharmika Parishad is to constitute an enquiry body, that may be appointed to conduct such an enquiry, or what procedural safeguards shall govern its conduct. The procedure has been left to subordinate rules, and Rule 26 of the 2009 Rules purports to fill this gap by providing for the constitution of an enquiry committee from amongst the members of the Dharmika Parishad itself. However, as already observed above, Rule 26 of the 2009 Rules may not be used for this purpose. The 1987 Act, read as it stands, leaves a procedural

⁸ (1996) 8 SCC 705

⁹ (1996) 2 SCC 498

vacuum at the heart of proceedings that carry the gravest civil and religious consequences for the person proceeded against. The Act empowers removal but prescribes no independent, neutral mechanism for the conduct of the enquiry that must precede it. Consequently, a simple remand to a newly constituted Dharmika Parishad would be a futile exercise in procedural circularity; the newly formed Parishad would remain severely handicapped by the very same procedural vacuum, inevitably leading to a repetition of systemic vulnerabilities, protracted litigation, and a failure of justice.

(iii) Furthermore, the High Court's judgment dated 27.01.2006 in W.P. Nos. 4326 of 2002 and 14856 of 2003, affirmed by the Division Bench in W.A. Nos. 258 and 259 of 2006, and given effect to by G.O.Ms. No. 1678 dated 14.11.2006, represents a concluded and binding determination that the secular management of the Mutt vests in the Appellant. This judicial determination has attained finality now. Therefore, the effect of the impugned removal proceedings was not merely to remove the appellant for misconduct; it was to undo, by administrative action, the effect of a judicial determination that the State itself executed through a Government Order.

(iv) Lastly, we are mindful that the assurance given to us regarding the four-week timeline for reconstitution of Dharmika Parishad is dependent upon administrative action by the State Government. We have no reason to doubt the bona fides of that assurance, but we cannot fail to note that the prior Parishad demitted office in June 2024, and that nearly two years have elapsed in the intervening period during which no reconstitution has taken place. This offers no firm guarantee that, even if a Parishad is constituted within four weeks, that body would be in a position to commence and complete a *de novo* enquiry within the timeframe that the issues in this case demand. The Appellant is now in his seventy-first year; the Mutt itself is being administered by a Fit Person for nearly two years; and the issues affecting the extensive endowed properties of the Mutt cannot be left to further uncertainty or delay.

42. In these circumstances, while we record the State's submission that a Dharmika Parishad is to be reconstituted within four weeks, and while we leave the statutory powers and functions of that body wholly untouched for all other purposes under the 1987 Act, in the peculiar facts of the present case, we are of the considered view that this Court must, in exercise of its jurisdiction under Article 142 of the Constitution of India, fashion a one-time, case-specific mechanism to enquire afresh into the allegations against the Appellant.

43. The jurisdiction conferred by Article 142 is not a residuary power of general equity. Its scope has been carefully explained by this Court. In ***Delhi Judicial Service Association v. State of Gujarat***¹⁰ and in ***Union Carbide Corporation v. Union of India***¹¹, this Court held that the powers conferred by Article 142 are not constrained by the ordinary limitations of statutory remedies,

¹⁰ (1991) 4 SCC 406

¹¹ (1991) 4 SCC 584

and that they may be exercised to do complete justice in any cause or matter pending before it. The Constitution Bench in **Supreme Court Bar Association v. Union of India**¹², however, took care to clarify that Article 142 is 'supplementary' in nature. It operates to fill legal and procedural gaps, and give effect to the statutory scheme, not to supplant it.

44. This Court has consistently invoked Article 142 of the Constitution of India to bridge structural gaps where the existing institutional framework is inherently or structurally unfit to remedy an infirmity. In **Vineet Narain v. Union of India**¹³, this Court recognized that where there is a vacuum or inaction in the law, the judiciary must step in to provide a solution and issue necessary directions to cover the gap till the legislature acts. This supplementary character of Article 142 is preserved when what is supplemented is not the statute itself, but the conditions necessary for its fair operation. Similarly, in **BCCI v. Cricket Association of Bihar**¹⁴, this Court invoked its plenary powers under Article 142 to bypass the domestic tribunal framework of a premier sports body, recognizing that internal organizational procedures cannot be set up against the constitutional mandate to deliver complete justice. Given the massive institutional ramifications of the sporting fraud and the high-profile nature of the indicted individuals, the existing internal machinery was deemed structurally unfit to ensure an unbiased, credible enquiry. By stripping the domestic body of its disciplinary powers and transferring the authority to award punishment to an independent, judicially supervised Three-Member Committee, the Court effectively utilized Article 142 of the Constitution of India to preserve the essential conditions necessary for fair operation and institutional integrity.

45. Before we set out the directions which, in our view, would best balance the competing considerations as indicated in the preceding paragraphs, in the facts of the present case, it is necessary to recall the unique character of the office of a Mathadhipati. The matter is no longer *res integra*. As far back as 1954, in **The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt**¹⁵, this Court held that in the conception of Mahantship, both the elements of office and property, of duties and personal interest, are blended together and neither can be detached from the other. The Mahant, this Court observed, is not merely the manager of the temporalities of the Mutt, rather, he is the spiritual head and superior of a fraternity of disciples, charged with the propagation of the doctrines of the sampradaya to which the math belongs. This proposition was reiterated and applied to the 1987 Act itself in **Sri Sri Sri Lakshmana Yatendrulu** (supra), where this Court emphasized that in the concept of Mathadhipathi, both the elements of power to hold property and duty to properly maintain it are blended and neither can be detached from the other.

¹² (1998) 4 SCC 409

¹³ (1998) 1 SCC 226

¹⁴ (2015) 3 SCC 251

¹⁵ AIR 1954 SC 282

46. Therefore, any arrangement which seeks to permanently bifurcate the religious functions of a Mathadhipati from the administrative and secular functions, or which vests the latter in a 'Fit Person' or a Custodian for an indefinite period notwithstanding that the lawful Mathadhipati continues in office, would amount to a denial of the very concept of Mahantship.

47. Article 26 of the Constitution, as interpreted in ***Ratilal Panachand Gandhi v. State of Bombay***¹⁶ and as reaffirmed in a long line of subsequent judgments, guarantees to a religious denomination the right to manage its own affairs in matters of religion and, subject to law, to administer its property. While this guarantee does not, of course, preclude the State from regulating the administration of math property through validly enacted laws, it does require that any deprivation of the office of the spiritual head be affected only through procedures that are demonstrably fair, neutral, and minimally invasive.

Conclusion

48. In consequence, we set aside the impugned order of the High Court dated 09.05.2025 in C.M.A. No. 538 of 2023. Consequently, the removal order dated 24.11.2023, the confirmation G.O.Ms.No.581 dated 08.12.2023, the consequential order dated 19.01.2024 of the Dharmika Parishad and the enquiry report of the three-member Enquiry Committee dated 01.08.2023 also stand set aside.

49. As per discussion contained in Para 41-47, we deem it appropriate to appoint a One-man independent enquiry committee to conduct enquiry regarding the charges levelled against the appellant. The One-man Enquiry committee shall consist of ***Mr. Boddepalli Rama Rao***, retired District Judge.

50. The Enquiry Committee shall conduct the enquiry while observing the Principles of Natural Justice including the following:

(i) An appropriate venue for conducting the said enquiry proceedings shall be provided by the Principal District Judge, Chittoor within the premises of the Court Complex, Tirupati.

(ii) For purposes of the said enquiry, the concerned Principal District Judge shall depute two court staff to assist the Enquiry Committee on each day of sitting.

(iii) The documents forming part of the record of the Enquiry Committee shall be kept in the custody of the court as directed by Principal District Judge.

(iv) The State Government of Andhra Pradesh and the Endowments Department/Dharmika Parishad shall, within two weeks, handover the charge memo dated 08.06.2023 and copies of all relevant documents and material referred in the charge memo to the Enquiry Committee.

¹⁶ AIR 1954 SC 388

(v) On receiving the said material, the Enquiry Committee shall immediately supply those relevant documents and material which they want to rely upon, to the Appellant.

(vi) Upon receipt of the above documents, the Appellant shall be afforded a minimum period of four weeks for submitting his statement of defence, extendable further by the Enquiry Committee on reasonable cause shown by the Appellant.

(vii) The Enquiry Committee is at liberty to ask for an officer of Endowment Department to represent the department and be permitted to participate in the enquiry representing the department.

(viii) The Enquiry Committee is at liberty to provide assistance for defence and thereafter, conduct a formal hearing in which the Appellant shall be afforded full opportunity to examine documents, cross-examine witnesses produced in support of the charges, and adduce evidence, oral and documentary, if any.

(ix) The Enquiry Committee may regulate its own procedure, subject to the requirements of Section 51(2) of the Act and the directions of this Court and shall record reasons for all procedural decisions.

(x) The Enquiry Committee shall submit its report within one year from the date of supply of documents, to the Endowments Department.

(xi) The Enquiry Committee shall be provided with all necessary infrastructure and support through the concerned Principal District Judge, for which the State Government shall co-operate till completion of enquiry. Enquiry committee at liberty to provide defence assistance

(xii) The expenses of the Enquiry Committee shall be borne from the funds of the Mutt.

(xiii) The Enquiry Committee would be entitled for *to and fro* travel expenses equivalent to first class railway ticket or equivalent airfare and in addition, Rupees Twenty Thousand per sitting.

(xiv) The Enquiry Committee shall submit its report to the Endowment Department after conclusion of the enquiry, whereupon the department shall take final decision in accordance with law.

51. Furthermore, we are mindful that the Appellant is being restored to office during a highly complex transition. While the enquiry mandated in previous paragraphs stands pending, the extensive properties of the Mutt are currently entangled in multi-forum litigation, and there exists a compelling public interest in ensuring that the administration of the Mutt is conducted with absolute transparency and accountability, until the final order is passed by the endowment department as per Para 50 (xiv). Section 55(2)(b) of the Act of 1987 explicitly contemplates the same:

“(b) constituting a committee consisting of not more than five persons for the purpose of assisting in the whole or any part of the administration of all the endowments of such math or of specific endowment”

Drawing upon this statutory scheme, and in further exercise of our plenary powers under Article 142 of the Constitution of India, we hereby constitute an **Administrative Committee** to aid the Appellant in his capacity as the Mathadhipati. The said Committee shall comprise of:

- (i) **Chairman – Honorable Mr. Justice (Retd.) Duppala Venkata Ramana**, retired Judge of the High Court of Andhra Pradesh/ Madhya Pradesh;
- (ii) **Member – Swami Madhav Prapanna Charya**, affiliated to Ramanuj Kot, Ujjain, an eminent representative of the Hindu religious tradition, wellversed in the Vaishnava Sampradaya and monastic customs.
- (iii) **Member – Mr. Manish Kapooria**, IPS (retd.) (MP Cadre);
- (iv) **Member – Mr. Y.V. Raviprasad**, Senior Advocate, Andhra Pradesh
- (v) **Member – Mr. Manish Taskar**, Chartered Accountant (Hyderabad), and
- (vi) **Member – A person nominated by the Endowment Department in this regard, within a week of passing of this Judgment.**

The details of the address, mobile number and e-mail id of the chairman and four other members of the committee have been placed in the record of the proceedings. The details of the nomination of the officer of the Endowment Department be supplied within 2 weeks by State to Chairman of the Committee.

The Committee shall be governed by the following mandate:

- (i) The Committee shall function strictly in a supervisory and facilitative capacity, without displacing or divesting the Appellant of his authority, particularly regarding religious functions.
- (ii) The Administrative Committee shall prepare a comprehensive inventory of all immovable and movable properties belonging to the Mutt within a period of three months from today,
- (iii) The Administrative Committee shall oversee the preservation of institutional records, track the conduct of pending litigations, and direct the legal measures necessary to protect Mutt lands from encroachments.
- (iv) The Administrative Committee shall ensure that no alienation, lease, license, mortgage, or creation of any third-party rights or encumbrances in respect of any property of the Mutt takes place.
- (v) The Administrative Committee would be entitled for *to and fro* travel expenses equivalent to first class railway ticket or equivalent airfare and in addition, Rupees Ten Thousand per sitting for the members and Rupees Twenty-Five Thousand per sitting for the Chairman to be defrayed from the funds of the Mutt, subject to existing audit safeguards.
- (vi) The meeting place of the Committee the office of the Mutt or the appropriate space provided by the Mutt at its head office. The Committee shall make all endeavors to meet at least once in every three months.

52. The directions contained hereinabove are intended to serve an interim regime operational only till the final decision after enquiry by the Endowment Department, based on the report of the Enquiry Committee. This direction has been issued in peculiar facts of this case as discussed and are not intended to supplant the statutory authority of Dharmika Parishad. This would also not be treated as precedent for any other cases.

53. The position of the Appellant during the pendency of the fresh enquiry shall be as follows:

(i) The Appellant shall continue to hold the status of Mathadhipati of the Mutt. He shall be permitted to participate in the religious and spiritual activities of the Mutt.

(ii) The Appellant is supposed to provide support in administration of the Mutt and shall aid in the decisionmaking of the Administrative Committee, which, in the interregnum, shall be binding on him.

(iii) The Appellant shall not alienate, mortgage or otherwise convey any property of the Mutt without prior permission of the Administrative Committee.

(iv) The Appellant shall cooperate fully with the Enquiry Committee and shall appear before it as and when required and make available to it such documents and material as may be in his possession or authority.

(v) In the event, the Enquiry Committee, upon completion of fresh enquiry, returns findings adverse to the appellant and the Endowment Department/Dharmika Parishad passes an order of removal, the Appellant shall be at liberty to prefer an appeal before appropriate forum within one month.

54. In conclusion, Sri Swamy Hathiramji Mutt, as an institution of immense religious, cultural and historical significance, and its devotees, are entitled to a resolution of the present controversy through a process, that is and appears to be, free, fair and unbiased. We accordingly allow this Civil Appeal as per directions contained hereinabove, in particular, paragraphs 48-53. The impugned judgment dated 09.05.2025 of the High Court of Andhra Pradesh in C.M.A. No. 538 of 2023 confirming the Order of removal and appointment of 'fit person' stands set aside.

55. Pending applications, if any, shall stand disposed of in terms of the foregoing.