

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.4182 of 2025

Dated:08.06.2026

Between:

Nagilla Srinivas

...Petitioner

And

The State of Telangana, rep. by its
Principal Secretary, Municipal Administration
and Urban Development Department,
Hyderabad and ten others.

...Respondents

ORDER:

This Writ Petition is filed to issue of writ of *Mandamus* declaring the action of respondent Nos.8, 9 and 10 in demolishing the original temple without obtaining valid permissions from concerned authorities and proceeding with reconstruction of the temple without any right over the leased temple land, as illegal, arbitrary, unjust and contrary to the provisions of law, thereby violating the core beliefs of the devotees from the vysya community amounting to violation of Articles 25, 26 and other Fundamental Rights guaranteed under the Constitution of India and for consequential relief.

2. Heard Sri L.Ravi Chander, learned senior counsel appearing for Sri Mayur Mundra, learned counsel-on-record for the petitioners, learned Assistant

Government Pleader for Home appearing for respondent No.2, learned Government Pleader for Endowments appearing for respondent Nos.4 and 5 and Sri S.Ashok Anand Kumar, learned senior counsel appearing for Sri T.Surya Satish, learned counsel-on-record for respondent Nos.9, 10 and 11.

3. The brief facts of the case as averred in the writ affidavit are that *Sri Kanyaka Parameshwari Devasthanam* (hereinafter referred to as “the subject temple”) situated at Somasundaram Street, Avula Manda, Secunderabad, holds a significant historical and cultural importance for Arya Vysya community, having been constructed during the reign of the Nizams of the erstwhile Hyderabad State. The land on which the subject temple stands was leased under the Secunderabad and Aurangabad Cantonment Land Administration Rules, 1930, and the subject temple is being managed by registered committees constituted by members of the Arya Vysya community since 1946. It is further stated that the Temple has been under the management of such committees since 1356 Fasli.

3.1. It is further averred that *Sri Kanyaka Parameshwari Devasthanam Sangam*- respondent No.8 (hereinafter referred to as “Committee No.1”), was registered *vide* Registration No.161 of 1991 and managed the affairs of the subject temple from 1991 till 2017; that in the year 2017, the members of Committee No.1 were allegedly compelled to resign under coercion and threat by another body with the same name, i.e., respondent No.9 (hereinafter referred

to as “Committee No.2”), which claimed to be the original committee registered under the same Registration No.161 of 1991; and that disputes arose between Committee Nos.1 and 2, both asserting itself to be the legitimate managing committee of the subject temple.

3.2. It is further averred that the authorities of the subject Temple in violation of the provisions of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987, collected illegal donations for carrying out unauthorized constructions within the premises of the subject temple and allegedly amassed an amount of approximately Rs.16 crores from devotees through Committee No.2 and its sub-committee (respondent No.10). It is alleged that the said funds were misused and the existing structure of the Temple was demolished without obtaining necessary permissions; that no consensus was obtained from the members of the Arya Vysya community prior to undertaking such demolition.

3.3. It is further averred that respondent Nos.8, 9 and 10, acting in collusion, approved relocation of the idol of the deity from its original place on the ground floor to the first floor of the newly constructed Temple structure and that the essential religious rituals, including *Kumbh Abhishekam* and *Vighna Pratishtha*, which are necessary for consecration and sanctification, have not been performed prior to opening the newly constructed Temple. Aggrieved by the same, the present writ petition is filed.

4. Learned senior counsel for the petitioner submitted that the land on which the Temple is situated was originally leased by the Government, and the said lease expired in the year 1997, however, Committee No.1 continued to manage the affairs of the subject temple without taking steps for renewal of the lease; and that respondent No.10 is only a sub-committee constituted to support the developmental activities of Committee No.2.

4.1. Learned senior counsel further submitted that the petitioner had made several representations to the Principal Secretary, Endowments Department (respondent No.3), on 24.04.2017, 25.03.2023, and 20.05.2024, bringing to his notice the alleged mismanagement of the affairs and accounts of the subject temple and further, requested to take appropriate steps to safeguard the funds of the subject temple and to protect the temple lands from encroachers claiming to be members of Committee Nos.1 and 2.

4.2. He further submitted that the Government of Telangana issued G.O.Ms.No.177, dated 01.02.2006, which mandates resumption of all leasehold properties where the lease period has expired, if no application for renewal is made within the stipulated time. In view of the same, respondent Nos.8, 9, and 10 i.e., Committee Nos.1 and 2 and the sub-committee of Committee No.2 are to be treated as being in illegal occupation of Government land and consequently, any constructions or alterations undertaken by them over the subject temple property are illegal and unauthorized.

4.3. Learned senior counsel further submitted that the petitioner has submitted a representation to the Commissioner of GHMC seeking to take action in accordance with law against the illegal construction made without obtaining any permission and for unauthorized occupation of Government land, however, no action was initiated by the officials of GHMC.

4.4. Learned senior counsel vehemently argued that the authorities of the subject temple have collected approximately Rs.16 crores from devotees through Committee Nos.1 and 2 for carrying out unauthorized construction within the temple premises and such action amounts to misappropriation of Temple funds and seriously compromise of the sanctity and integrity of the Temple, thereby infringing upon the religious sentiments of the devotees. He further submitted that the respondents-Committees are supposed to comply with Sections 56 and 57(2)(a)(vi) of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987, as per which every year a budget showing the probable receipts and disbursements of the institution has to be submitted to the Commissioner, but respondent Nos.9 to 11 have not followed the said procedure and violated the statutory obligation cast on them.

4.5. He further submitted that respondent Nos.8, 9, and 10, acting in collusion, have approved the relocation of the idol of the presiding deity from its original place on the ground floor to the first floor of the newly constructed structure, which is contrary to the established religious customs and *Shastras*, and has

deeply hurt the sentiments of the Arya Vysya community besides undermining the sanctity and religious significance of the Temple and adversely affecting the core beliefs of the community. He further submitted that as per the established practice, any such relocation ought to have been undertaken only after consulting a qualified *Stapathi* in accordance with *Vaastu Shastra*, which has not been done in the present case. By contending as above, learned senior counsel submitted that the present Writ Petition is filed to protect the temple property, to safe guard larger public interest i.e., protection of rights of the devotees, to ensure proper and transparent administration of the temple and to preserve the sanctity of the religious institution.

5. Learned senior counsel finally submitted that the inaction on the part of the official respondents, despite having knowledge of the illegalities committed in respect of the subject temple, is not appreciable and therefore, prayed to allow the writ petition.

6. In support of his contentions, learned senior counsel for petitioner relied upon the following judgments:

- I. Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsava Smarak Trust and ors vs. V.R. Rudani and ors¹
- II. Gattaih (T) and ors vs. Commissioner of Labour, Hyd and anr.²

¹ 1989 (2) SCC 691

² 1981 scc online AP 219

- III. Binny Ltd. And anr vs. V. Sadasivan and ors³
- IV. Rama Ravi Kumar vs. District Collector and ors⁴
- V. Yellanti Renuka and anr vs. State of Andhra Pradesh⁵
- VI. Dhronamraju Satyanarayana vs. N.T. Rama Rao⁶
- VII. Vashist Narayan Kumar vs State of Bihar and ors⁷
- VIII. Nur Islam and ors vs State of ASSAM and ors⁸

7. In *Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsava Smarak Trust's* case (cited supra), the Hon'ble Apex Court observed as hereunder:

“We may point out that mandamus cannot be denied on the ground that the duty to be enforced is not imposed by the statute.The judicial control over the fast expanding maze of bodies affecting the rights of the people should not be put into watertight compartment. It should remain flexible to meet the requirements of variable circumstances. Mandamus is a very wide remedy which must be easily available “to reach injustice wherever it is found”. Technicalities should not come in the way of granting that relief under Article 226. We, therefore, reject the contention urged for the appellants on the maintainability of the writ petition.”

8. In *Gattaih (T)*'s case (cited supra), the erstwhile High Court of AP

³ 2005 (6) SCC 657

⁴ 2025 SCC Online Mad 11477

⁵ 2022 SCC Online AP 688

⁶ 1988 SCC Online AP 1

⁷ 2024 (11) SCC 785

⁸ 2025 SCC Online SC 3051

observed as hereunder:

“A writ of Mandamus is always held to be available even against corporate bodies and companies.

...An order of mandamus will be granted ordering that to be done which a statute requires to be done and for this rule to apply, it is not necessary that the party or corporation on whom the statutory duty is imposed should be a public official or an official body.”

9. In ***Binny Ltd’s*** case (cited supra), the Hon’ble Apex Court observed as hereunder:

“It can very well be said that a writ of mandamus can be issued against a private body which is not “State” within the meaning of Article 12 of the Constitution and such body is amenable to the jurisdiction under Article 226 of the Constitution and the High Court under Article 226 of the Constitution can exercise judicial review of the action challenged by a party. But there must be a public law element and it cannot be exercised to enforce purely private contracts entered into between the parties.”

10. In ***Yellanti Renuka’s*** case (cited supra), the High Court of AP referred to various judgments of the Hon’ble Supreme Court and the Division Benches of other High Courts as regards the effect of translocation of deity in a public temple and has extracted the relevant observations rendered therein, which are as hereunder:-

“The idol cannot be removed permanently to another place, because that would be tantamount to establishing a new temple. However, if the public agreed to temporary removal, it could be done for a valid reason.”

“Translocation of the deity to another place is permissible as long as the said translocation is done without a mala fide intention and with all due respect and appropriate ceremonies being conducted for the said purpose.”

11. In ***Dhronamraju Satyanarayana’s*** case (cited supra), the erstwhile High Court of AP observed as hereunder:

“The procedure concerning writ petitions is governed by the Rules framed by this Court in exercise of its power under Article 225. They are commonly called the Writ Rules.”

.... In spite of the Writ Rules, prescribing the procedure, a practice has grown in this Court to file a common affidavit containing several allegations seeking different reliefs without verifying the source of information and making verification by mere affirmation without disclosing the source of information. The prescribed procedure in the Writ Rules, in fact, has seldom been followed. So far to our knowledge, this Court has not thrown out any writ petition on the ground of non-compliance with the Writ Rules. That being the position, we find no valid reason to depart from it in the present case especially when it is public interest litigation.

..... It is settled law that this Court in applications filed under Article 226 of the Constitution has power to mould the relief taking into account the totality of the circumstances and the exigencies of the situation.

12. In *Vashist Narayan Kumar's* case (cited supra), the Hon'ble Apex Court observed as hereunder:

“A writ court has the power to mould the relief. Justice cannot be forsaken on the altar of technicalities.”

13. In *Nur Islam's* case (cited supra), the Hon'ble Apex Court referring to a catena of judgments of the Supreme Court as regards the power of High Court to mould the relief to remedy injustice, observed as hereunder:

“Even if it be assumed that no prayer for grant of a writ of mandamus was made, even orally or in pleadings, it was open for the High Court to mould and grant the relief.

The power to mould relief is an inherent and intrinsic component of Article 226.

The powers under Articles 226 and 227 are discretionary and equitable and are required to be exercised in the larger interest of justice. While granting relief in favour of the applicant, the court must take into account the balancing of interests and equities. It can mould relief considering the facts of the case. It can pass an appropriate order which justice may demand and equities may project.

As observed by this Court in Shiv Shankar Dal Mills v. State of Haryana, [(1980) 2 SCC 437 : (1980) 1 SCR 1170] courts of equity should go much further both to give and refuse relief in furtherance of public interest. Granting or withholding of relief may properly be dependent upon considerations of justice, equity and good conscience.”

14. Learned Government Pleader for Endowments referring to the counter affidavit, submitted that the subject temple, registered under the provisions of the Hyderabad Endowment Regulations 1349, is classified under Section 6(c) (ii) of the Endowments Act 30 of 1987 and it falls within the administrative jurisdiction of the Assistant Commissioner, Endowments Department, Secunderabad and as such, the day-to-day administration of the temple is being carried out by the self-styled committee (not constituted or recognized by the Endowments Department) and without any supervision by the authorities of the Endowments Department.

15. He further submitted that upon receiving the directions from the Assistant Commissioner, the Inspector, Endowments Department had issued notices dated 05.01.2024, 12.02.2024 and 24.06.2024 to the self styled committees directing them to furnish the records for the purpose of enquiry; to pay the statutory payments; and to immediately stop unauthorized constructions being carried out in the temple premises without the prior sanction of the Commissioner, Endowments Department, but, the self-styled Committees put a deaf ear to the same and went ahead with the demolition of the old structure and construction of new structure without any sanction from the Commissioner, Endowments Department and without any statutory approvals from the Engineering Section and Sthapathi under the Endowments Act 30 of 1987.

16. He further submitted that the mal-administration of the self-styled committees is evident from the following acts:

(i) Not taking statutory permissions from the Commissioner Endowments Department for demolition of the existing temple.

(ii) No necessary approvals of the construction plans and estimates from the Engineering Section of the Endowments Department.

(iii) Non-consultation with the Sthapathi, Vasthu and Silpi authorities under Endowments Department.

(iv) Unauthorized razing of the old structure and construction of new structures in the temple premises;

(v) Lack of audit of the donations collected from the devotees and unauthorized operation of bank accounts.

(vi) Non co-operation with the Endowments Department officials when information was sought for enquiry.

17. He further submitted that the aforesaid acts of the self-styled committees, are causing damage to the institution and sentiments of the devotees at large, particularly the devotees hailing from Arya Vysya community. Learned Government Pleader finally submitted that the authorities of the Endowments Department are committed in protecting the interest of the subject temple and its

devotees and necessary action will be taken against self-styled committees for the infraction of the Rules and hence, prayed to dismiss the Writ Petition.

18. Learned senior counsel appearing for respondent Nos.9, 10 and 11 submitted that respondent No.9 is a society registered under the Telangana Societies Registrations Act, vide registration No.161/1991, while respondent No.10 is a sub-committee appointed by respondent No.9 through its members and the respondent No.11 is the temple and hence, respondent Nos.9 and 10 are not statutory authorities falling under Article 12 of the Constitution of India and no statutory duties or functions are to be discharged by the said respondents to make them amenable to writ jurisdiction of this Court. The writ petition was filed seeking relief against respondent Nos.8, 9 and 10, which are societies and sub-committee, therefore, the writ petition is not at all maintainable and is liable to be dismissed at the threshold.

19. In support of his submission, learned senior counsel for respondent Nos.9, 10 and 11 relied upon the judgments of the Hon'ble Supreme Court in *Pradeep Kumar Biswas Vs. Indian Institute of Chemical Biology and others*⁹, *Rajbir Surajbhan Singh Vs. Chairman, Institute of Banking Personnel*

⁹ (2002) 5 SCC 111

Selection, Mumba¹⁰ and ***Ramakrishna Mission and another Vs. Kago Kunya and others***¹¹.

20. Learned senior counsel further submitted that the writ petitioner himself had stated in the affidavit that his father-N.Gowri Shanker, who was President of the Sangam since 2008, had resigned voluntarily on 24.12.2016 and thereafter, the new managing committee was elected and as such, respondent No.8, represented by the father of the writ petitioner, is neither a necessary nor proper party. He further submitted that in fact, the father of the petitioner was removed from the office bearer of temple sangam because of his financial irregularities and only to cover up the same, the petitioner filed the present Writ Petition.

21. Learned senior counsel vehemently contended that admittedly, the writ petitioner is not a member of respondent No.9-Committee No.2 and therefore, he neither has any right nor *locus standi* to question the affairs of respondent No.9-society. He further submitted that any member who is aggrieved by the affairs of the society has to approach the District Court under Section 23 of the Act. It is a settled law that an outsider cannot question the affairs of the society and on this ground, the writ petition has to be dismissed *in limine*.

¹⁰ (2019) 14 SCC 189

¹¹ (2019) 16 SCC 303

22. At the first instance, this Court proceeds to adjudicate the aspect as regards the maintainability of the Writ Petition. From the facts of the case and the pleadings of both the parties, it is discernable that though respondent Nos.9 to 11 are registered as societies under the Act, they are religious institutions, hence, they are governed by the Endowments Act, which necessarily mean that they are bound and have to mandatorily follow the procedure, duties, etc., as envisaged under the said Act. Some of the duties to be performed by respondent Nos.9 to 11 assumes the character or nature of statutory duties or public functions which are closely related to functions performed by State in its sovereign capacity, therefore, respondent Nos.9 to 11 are amenable to writ jurisdiction, which necessarily means that this Writ Petition is maintainable.

23. As regards the contention of the learned senior counsel for the petitioner that respondent Nos.9 to 11 have not discharged the statutory obligation of submitting a budget before the competent authority under the Act and also a statement as regards the collection of funds from the devotees, learned senior counsel appearing for respondent Nos.9 to 11 replied that all the donations collected by respondent Nos.9 to 11 are properly accounted for and they are ready to furnish all the accounts before the competent authority concerned.

24. As regards obtaining advise of Stapathi, it is pertinent to note that it is the contention of respondent Nos.9 to 11 that they have obtained advise from the Stapathi who has, in fact, designed Yadadri temple and further, all the religious

rituals and ceremonies have been followed/conducted including consecration, etc., while translocation of the idol of the deity from the ground floor to first floor.

25. In addition to the above, it is the case of respondent Nos.9 to 11 that the subject temple is situated in low lying area and therefore, during rainy season, the temple get inundated in rain water, therefore, it has become necessary to shift the deity from the ground floor to first floor, in the interest of the devotees.

26. It is also relevant to be noted that learned Government Pleader for Endowments has placed all the material before this Court to show that the Endowments Department acted promptly on receiving complaint from the petitioner, by way of issuance of notices to respondent Nos.9 to 11 as regards the allegations made in the complaint, despite which, respondent Nos.9 to 11 have failed to respond or comply with the statutory requirements mentioned therein. This shows that the plea of inaction on the part of authorities of Endowments Department, as pleaded by the petitioner, is incorrect.

27. The issue as regards not obtaining permission for construction of first floor from the GHMC is concerned, it is the specific case of respondent Nos.9 to 11 that before carrying on the construction activity, they have obtained the advise of Stapathi and the construction was carried out strictly in accordance thereof, hence, there is no mala fide intention on the part of respondent Nos.9 to 11. The rival claims of both the parties in this regard needs detailed examination

of the case *vis-a-vis* the relevant documents, which has to be gone into by the competent authority i.e., respondent No.5 and adjudicate the same.

28. Since respondent Nos.9 to 11 come within the meaning of religious institutions, it is mandatory that they follow the Rules, Regulations, procedure, etc., as envisaged in the Endowments Act and any deviation/violation of the same during the governance or administration of the subject temple amounts to mismanagement. The allegation of the petitioners as regards misuse of the funds collected from the public and devotees and non-submission of budget and audits of the donations, expenses, etc., of the subject temple by respondent Nos.9 to 11, is an issue to be agitated before the competent authority under the Endowments Act, who after verification of the entire evidence adduced before him, adjudicates the said issue.

29. This Court, with due respect and regard to the settled principle as regards exercising of writ jurisdiction by this Court, as carved by the Hon'ble Supreme Court in the afore-stated judgments, in the peculiar facts and circumstances of the present case, deems it appropriate to relegate the parties to the competent authority under the Endowments Act, who after detailed enquiry into the matter, shall adjudicate the disputed questions of facts like obtaining the advise of Stapathi before shifting of the deity from ground floor to first floor, whether the religious rituals including *Kumbh Abhishekam* and *Vighna Pratishtha*, which are necessary for consecration and sanctification prior to opening the newly

constructed temple have been performed or not, etc., and adjudicate the said issues and pass appropriate orders in accordance with the provisions of the Endowments Act.

30. Accordingly, this Writ Petition is disposed of and the matter is remanded to respondent No.5, with liberty to both the parties to raise all the issues which are raised in the present Writ Petition, produce all the relevant material, particularly respondent Nos.9 to 11 shall produce all the documents relied upon by them, i.e., the statement of accounts, advise of Stapathi, etc., in respect of the subject temple and thereafter, the said authority shall conduct a detailed enquiry, afford opportunity of hearing to both the parties and adjudicate the issues agitated therein and pass appropriate orders in accordance with law.

31. Miscellaneous Petitions pending, if any, shall stand closed. No costs.

LAXMI NARAYANA ALISHETTY, J

Date:08.06.2026

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