

Home (1919) Department.

(Miscellaneous)

Ordinary SERIES.

G.O. No. 405

DATED 24-2-19

INDEXED

[Despatch Abstract.]

Religious Endowments--

Informing the Collector of Vizagapatam that under G.O. 333 Judicial dated 8th February 1883 he is himself competent to grant the sanction applied for by Sida Venkayya and others for the institution of a Civil Suit against the trustees of Sri Venugopalaeswari veru Temple.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

REVENUE DEPARTMENT.

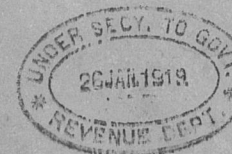
R.F.D.—80-A—7,600—20-8-13.

CURRENT No. 111 C

Received 26.1.1919 Registered 27.1.1919

Subject.

Forwarding for sanction an application for permission to institute a civil suit against the trustees of Sri Venugopala-swamy Varu temple of Pulaparti for its proper management.



ENCLOSURES.

No.

Spare copies

R.P. No. 547 of 1918.

Station Vizagapatam, Dated the 23rd January 1919.

Home (Misc) 1325 From (Name) H.A.B. VERNON ESQ., I.C.S.,

20.1.19 (Designation) COLLECTOR OF VIZAGAPATAM.

Home (Misc) u.o.

To the Secretary to the Government of Madras,

Revenue Department.
Madras.

CRP
28.1.19
R1
29.1.19.

Rw No 111C/19-1

Sir,



I have the honor to forward herewith for sanction, under Section 93 of the civil procedure code, a copy of application presented by Sidde Venkayya and 4 others of pulaparti village, in Sarvasidhi Taluk, under Section 92 civil procedure code, for permission to institute a civil suit against the trustees of Sri Venugopalaswamy Varu temple of their village, for its better management, and to state as follows.

2. In June 1916, the villagers put in a mahajar petition complaining of the mismanagement of the temple, and requesting that the village officers might be permitted to assume management of the institution. The divisional

officer, Narsapatam, enquired into the matter, and reported, that the worshipper who was managing the institution, and who was in possession of the temple lands was not properly rendering service, that the service inam lands attached to the temple had been rented to ryots at very low rates, that the income thereof was not properly appropriated for the support of the institution, that the temple buildings were in a state of disrepair, and that the worshipper claimed to be the trustee of the temple, and was objecting to all interference by the villagers for its better management and recommended the appointment of a committee under the charitable endowment Act XX of 1863 for the future management of the temple. But as a careful scrutiny of the records bearing on the subject, showed that at the time of passing of the Act, and long after that, the worshipper was the manager of the temple, and the temple-lands were undoubtedly in his possession, and that there was no evidence that the Government exercised any real superintendence at any time over the temple-lands, it was believed that this institution would fall only under Section 4 of the Act, and it was ordered in this office proceedings D.Dis. No. 1219 of 17 dated 23-6-1917, that the only remedy lay in a civil suit.

The petitioners now request that the formal sanction contemplated in Section 92 of the Civil Procedure Code may now be accorded. The Tahsildar Yellamanchili, who was asked to report on the subject states, that the facts already reported hold good even now, that he has inspected the temple and found it still in need of repairs, and that if it should be allowed to remain in the present condition for some time to come, it will come to complete ruin and recommends the grant of the sanction applied for. I therefore request that the Government may in the circumstances stated above be pleased to grant the necessary sanction under Sec. 93 of the C.P.C. and communicate the orders for transmission to the petitioners.

I have the honor to be,
Sir,
Your most obedient servant,

Khan um arif
For Collector.

P.V.R/23/1/19
23-1-19

To

The District Collector,

Vizagapatam.

The humble petition presented by (1) Sidde Venkayya (2) Pataballa Sitharamamurti (3) Boddu Peda Ramakrishnamma (4) Srigakollu Swami (5) Srigakollu Copanna of Pulaparti, Servasidhi Taluk, under sec. 92 of the Code of Civil Procedure most respectfully sheweth:-

1. That petitioners are the inhabitants of Pulaparti Village of whom (1) and (2) are village Munsiff and Karnam and 3,4,& 5 are traders.

2. That there is a Hindu Temple of Sri Venugopalaswami Varu in the above village which has been endowed with lands from time immemorial for the support and upkeep of the temple. The lands are 22 acres in extent and have been enfranchised in the name of the God, besides about 11 acres enjoyed by servants.

3. That there were no regularly appointed Dharmakartas for the temple but the village officials have been the recognised Dharmakartas of the temple from a long time, though at some period they neglected the discharge of the said duties.

4. That the temple is now in a dilapidated state and the mandapam the dhivaja stambham and the compound wall have entirely gone.

5. That there is an archaka of the temple Sampara Subhadracharyulu, whose duty is merely that of performing the daily worship of the God, the festivals that have to be performed annually but he has not been discharging these duties properly and has been committing various acts of omission which are regarded as unholy and impious, that he has been denying the authority of the village officials to manage the affairs of the temple and has been setting up adverse right to the Dharmakartaship (Trusteeship) in himself by suing some of the tenants of the temple lands to recover the cists of the lands and that such acts on behalf of the archaka, who is merely a servant of the temple, are illegal and detrimental to the best interests of the temple.

6. That most of the villagers of Pulaparti have submitted a

Home Ms. Dept

Religious Endowments

From the Collector of Vizagapatam 547 of 23.1.19

The Collector of Vizagapatam forwards a copy of an application made by him by ~~the~~ one Srida Venkayya and 4 others for permission, under ^{Civil Procedure Code} of 1908 and 1909 to institute a civil suit against the trustees of Sri Venugopalaswamy Varma Temple, and requests that the Government may be pleased to grant the necessary sanction. The circumstances in which the sanction is applied for, are stated in para. 2 of the D.M.'s letter.

§ 92 C.P.C. allows the Advocate-General or two or more people, having interest in a trust and authorised by the Advocate-General for the purpose, to institute a civil suit for the purposes mentioned in the section. § 93 C.P.C. allows this power to be exercised outside the Presidency towns by Collectors, or other officers authorised in this behalf, with the sanction of the Government. In G.O. 323 of 1902 dated 2.12.1883, the Local Govt. sanctioned the exercise of the above power by all Collectors, excepting the Collector of Madras, within their respective districts. (vide page 254 of Vol. I of Local Rules and Orders, Madras)

pages 1 and 2 of

page 50 C.P.C.

page 50 ibid

Mahazar petition on 9-6-1916 to your honour requesting the Government to take up the management of the temple, and its endowment, to fix a salary to the archaka and to improve the condition of the temple by getting the necessary repairs done etc.

7. That the said Mahazar petition was referred by your Honour to the Divisional Officer, Narsapuram who after making a personal enquiry and personal inspection of the temple made a report to your honour D.Dis. No. 353 of 17 dated 2-3-1917 requesting your honour to address the Government to appoint a Committee under Act XX of 1863, as he was satisfied that it was mismanaged by the archaka.

8. That, thereupon your honour was pleased to order in D.Dis. No. 1219 of 17 dated 23-6-1917 that the only remedy lies in a civil suit and that the petitioners may be informed accordingly.

9. That the present petitioners have now resolved to file a suit in the District Court of Vizagapatam for 1. appointing a trustee or trustees to the temple,

2. vesting the property in the new trustee or trustees

3. setting a scheme for the management and upkeep of the temple and its endowments.

4. declaring what portion of the income of the trust property should be spent for the different objects of the trust.

5. and for granting such other relief as the nature of the case may require.

and that before filing such a suit, the Civil Procedure Code requires the obtaining of your honour's previous sanction for the institution of such a suit.

10. That the order of your honour in D.Dis. No. 1219/17 only indicates the remedy, but does not amount to a sanction under Section 92 of the Code of Civil Procedure and that therefore petitioners being persons interested in the welfare of the temple have submitted this petition to your honour.

Therefore petitioners pray that your honor may be pleased to grant the sanction to institute a suit for the purpose stated above in para 9.

Sd/- Srida Venkayya and 3 others

/True copy/

23.1.19

23/1/19

For Collector.

NOTES.

Page 2

The Collector of a District would therefore appear to be competent to grant the sanction required in cases like the present one. ~~As draft order~~ The Collector of Digo. may be informed accordingly.

A draft order is submitted

BP
17.2.19.
Pdx
21.2.19

CA
24.2.19
24/2/19

Religious Endowments Home Ms. DEPARTMENT.

Informing the Collr. of Vizagapatam that
in order for 323 Just of 8.2.1883 he is himself competent
to grant the sanction applied for by Sada Venkayya
and others for the institution of a Civil Suit against
the trustees of Sri Venkateswara Temple.
READ AGAIN G.O. No. 323 Just, dated 8th February 1883.

READ AGAIN G.O. No. 303 Just, dated 8th February 1953.

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READ ALSO:—

READ ALSO:—

C. No. 1375, From the Collr of Vizag. ^{R.A.C}, No. 547, dated 23rd January 1919.

” ” ” ” ” ” 191

ORDER.

Ms

No. 408, dated 24. 2. 1915

(F)

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The Collector is informed that under P. O. 323 Judicial, dated the 8th Feb. 1888, he is himself competent to grant the sanction applied for by Sudda Venkayya and others.

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24/2/19

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191

READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH LITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

R.E.—

- A = Copy in full.
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