Date of reserved for orders : 15.09.2026
Date of pronouncement : 16.10.2026
Date of uploading : 16.10.2026

APHC010873152018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

FRIDAY, THE 16th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 42250/2018

Between:

1. PUJARI KESAVACHARY, S/O SANJEEVAIAH, AGED 42 YEARS, OCC. PUJARI, R/O SALKAPURAM VILLAGE, KALLURU MANDAL, KURNOOL DISTRICT, A.P
2. PUJARI RUKMANGADA, S/O LATE BHEEMAIAH, AGED 23 YEARS, OCC. TEMPLE PRIEST, R/O SALKAPURAM VILLAGE, KALLURU MANDAL, KURNOOL DISTRICT, A.P
3. PUJARI VIDYAVATHI, W/O LATE BHEEMAIAH, AGED 58 YEARS, OCC. TEMPLE PRIEST, R/O SALKAPURAM VILLAGE, KALLURU MANDAL, KURNOOL DISTRICT, A.P.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, VELAGAPUDI, GUNTUR DISTRICT
2. THE JOINT COLLECTOR AND ADDITIONAL DISTRICT MAGISTARTE, KURNOOL DISTRICT, KURNOOL

3. THE REVENUE DIVISIONAL OFFICER, KURNOOL, KURNOOL DISTRICT.

4. THE ASSISTANT COMMISSIONER OF ENDOWMENTS, KURNOOL, KURNOOL DISTRCIT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toto issue an appropriate writ or direction or order more particularly one in the nature of Certiorary be issued calling for the records of the case wide proceedings no. RDis/C/ 1301/2014 on the file of the Revenue Divisional Officer Kurnool dt 18.12.2015 and vide file no. D5/1365/2017 on the file of the Joint Collector and Additional District Magistrate, Kurnool, and declaring the order of the Joint Collector dated 26-05-2018 as illegal, viod and arbitran and set a side the same with a consequential direction to the respondents to cancel the pattadar pass books and title deeds issued in favour of the 4th Respondent with respect to the land admeasuring Ac.15.01 Cents in Sy.No.71 of Salkapuram Village, Kalluru Mandal, Kurnool Dist., and direct the respondents to issue the pattadhar pass books and title deeds in favour of the petitioners and pass

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the order dated 26-05-2018, vide file no. D5/1365/2017 on file of the Joint Collector and Additional District Magistrate, Kurnool in respect of the land admeasring Ac. 15.1 cents in Sy.no.71 of Salkapuram Village, Kalluru Village, Kurnool district pending disposal of the writ petition pending disposal of the above writ petition and pass

Counsel for the Petitioner(S):

1. K RATHANGA PANI REDDY

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)
2. GP FOR ENDOWMENTS (AP)

The Court made the following:

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "…to issue an appropriate writ or direction or order more particularly one in the nature of Certiorari be issued calling for the records of the case wide proceedings no. RDis/C/ 1301/2014 on the file of the Revenue Divisional Officer Kurnool dt 18.12.2015 and vide file no. D5/1365/2017 on the file of the Joint Collector and Additional District Magistrate, Kurnool, and declaring the order of the Joint Collector dated 26-05-2018 as illegal, void and arbitrary and set aside the same with a consequential direction to the respondents to cancel the pattadar pass books and title deeds issued in favour of the 4th Respondent with respect to the land admeasuring Ac.15.01 Cents in Sy.No.71 of Salkapuram Village, Kalluru Mandal, Kurnool Dist., and direct the respondents to issue the pattadhar pass books and title deeds in favour of the petitioners and pass…"

2. Brief facts of the case are that the land admeasuring Acs.15.01 cents in Survey No. 71 of Salkapuram Village, Kallur Mandal, Kurnool District was possessed and enjoyed by late Pujari Venkata Chalamaiah since time immemorial. Upon his demise, the land devolved to his son Hanumaiah, and subsequently to Hanumaiah's son Kesavaiah. Kesavaiah had two sons, Ananthaiah and Sanjeevaiah amongst whom, the said property got partitioned, holding 7.50 acres and 7.51 acres respectively. Sanjeevaiah's

portion was inherited by his son Pujari Kesava Chari i.e., the 1st petitioner herein, while Ananthaiah's share passed to his son Pujari Bheemaiah and later to Bheemaiah's legal representatives, who are petitioner Nos.2 and 3 herein.

3. Based on their continuous uninterrupted possession, the petitioners approached the Tahsildar, Kallur, for the issuance of Pattadar passbooks and title deeds. Although the Tahsildar acknowledged their long-standing occupation, he refused to issue passbooks to them and instead granted pattadar passbooks and title deeds pertaining to the subject property to the 4th respondent – Assistant Commissioner of Endowments, Kurnool, classifying the property as Devadaya Inam land. Aggrieved by such issuance of pattadar passbooks and title deeds, the petitioner preferred an appeal before the 3rd respondent – Revenue Divisional Officer, Kurnool district which was dismissed vide order dated 22.07.2007 confirming the issuance of pattadar passbooks in favour of 4th respondent-Assistant Commissioner, Endowments, Kurnool district. The said dismissal order was challenged before the 2nd respondent-Joint Collector by way of a Revision petition, which was also dismissed, confirming the order passed by the 3rd respondent-Revenue Divisional Officer, vide R.C.D5/2927/2007, dated 23.10.2008.

4. Challenging the order passed by the 2nd respondent-Joint Collector, the petitioners filed W.P.No.14543 of 2009 before this Court, which was disposed of on 04.12.2014 as under:

> "…The proceedings dated 22.07.2007 of the 2nd respondent – Revenue Divisional Officer, as confirmed by proceedings of 1st respondent – Joint Collector dated 23.10.2008, are set aside and the matter is remanded to the Revenue Divisional Officer, Kurnool District for fresh enquiry and for passing appropriate orders in accordance with the Act. The representation given by the petitioners before the 2nd respondent – Revenue Divisional Officer, Kolluru Mandal, which resulted in sending the report dated 28.05.2006, can be considered as an appeal filed under the Act, after issuing notice to the Assistant Commissioner, Endowments Kurnool and appropriate orders are passed. All the issues between the petitioners and the Endowments Department are left open for consideration by the 2nd respondent – Revenue Divisional Officer, Kurnool District, for decision in the appeal on remand."

5. Pursuant to the abovementioned directions, the 3rd respondent-Revenue Divisional Officer took up the remanded proceedings (R.Dis.C.1301/2014), and passed another order 18.12.2015, once again rejecting the petitioners' request. The 3rd respondent concluded that primary revenue records—including the RSR, 10/1 Account, Inam B Register, and the 1956 District Gazette—establish that the subject land was Devadaya Inam belonging to the deity Sri Chennakesava Swamy. The 3rd respondent further

observed that the petitioners and the names of their predecessors were recorded in the possessor column only in the capacity of "Devasthanam Nowkari" (temple servants/Archakas) enjoying the land in lieu of remuneration, which did not confer absolute ownership rights. Aggrieved by the order dated 18.12.2015, the petitioners preferred a revision petition before the 2nd respondent vide Rc.D5/1365/2017, which was also dismissed by way of the impugned order dated 26.05.2018 by upholding the decision of the 3rd respondent. In the impugned order, the Joint Collector relied on the Inam Abolition (Amendment) Act No. 16 of 2013, wherein Section 4 of Act No.37 of 1956 was amended with retrospective effect from 26.11.1956. Under Section 4(4) of the amended Act, service Inam lands burdened with religious services belong exclusively to the religious institution, rendering Archakas ineligible to claim Ryotwari Pattas or ownership passbooks beyond cultivating the land as remuneration for performing temple rituals. Aggrieved by the order dated 26.05.2018, this writ petition is filed.

6. The 2nd respondent filed a detailed counter affidavit admitting the facts that led to filing of the writ petition, it was further contended that as per the Inam Abolition (Amendment Act) Act No.16 of 2013, the archakas/enjoyers are not eligible to claim right over the land. In the instant case, as of now, the petitioners being the archakas of the deity are in possession of the lands to perform usual pujas and archana and as remuneration towards their service to

the deity, the lands are kept in their possession and they take the yield from the land, but not as owner. It is further contended that according to RSR, the subject land is classified as Inam Dry land and meant for temple service; further, in the Inam B-Register also, the land in Sy.No.71 of Salkapuram villge is classified as devadayam inam land. As such, the petitioners are not eligible to be issued pattadar passbooks and title deeds. The names of the petitioners are entered in adangal as enjoyers, but, the pattadar holder is the deity Chenna Keshava Swamy. It is further stated that the 2nd respondent has rightly passed the impugned order, which requires not interference by this Court, hence, requested to dismiss the writ petition.

7. The 4th respondent – Assistant Commissioner of the Endowments Department filed a counter affidavit contending that an extent of Acs.15.01 cents of land in Survey No.71 belongs to the temple deity, Sri Chennakesava Swamy, rather than its priests. The priests are permitted to cultivate and use the land solely as compensation for performing their daily religious services at the temple. Merely because the petitioners are caretakers and are using the land in place of a cash salary, they hold no legal right to claim ownership of the property. The relevant re-settlement register and pahani documents, explicitly classify the property as temple land ("Devadayam"), listing the deity as the legal landholder ("Pattadar") and the priests as temple employees ("Devasthanam Nowkari"). Based on the said entries, the Tahsildar and

respondent Nos.2 and 3 have repeatedly reviewed the case and rejected the request of the petitioners for issuance of pattadar passbooks and title deeds. Furthermore, it is contended that the 2013 amendments to the Inam Abolition Act, legally declare that all service lands belong exclusively to religious institutions, making any ownership titles granted to individuals automatically invalid. The petitioners are only entitled to remain on the land while actively fulfilling their temple duties. As per the said act, if the petitioners stop performing services or try to claim the property as if it is their own, they would be considered encroachers and will be subject to eviction. Hence, requested to dismiss the writ petition.

8. Heard Sri. K. Ratanga Pani Reddy, learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and learned Assistant Government Pleader for Endowments.

9. Perused the entire material available on record. The principal issue that arises for consideration in the present writ petition is

> **"Whether the petitioners are entitled to claim ryotwari pattas and consequential pattadar passbooks and title deeds in respect of the land admeasuring Acs.15.01 cents in Survey No.71 of Salkapuram Village, Kallur Mandal, Kurnool District, notwithstanding its classification as Devadayam Inam in the revenue records?"**

10. The case of the petitioners is that the subject land has been in the possession and enjoyment of their ancestors for several decades and that

the petitioners have succeeded to their respective shares through inheritance. The claim of the petitioners, for issuance of patta has been rejected by the revenue authorities primarily on the ground that the subject land is classified as Devadayam Inam and that the name of the deity, Sri Chennakesava Swamy, is recorded as the pattadar, whereas the petitioners and their predecessors are shown as enjoyers in the capacity of 'Devasthanam Nowkari'.

11. At this juncture, it is relevant to refer to the judgment of the erstwhile High Court of Andhra Pradesh in ***Vallabharana Swami Varu (Deity) v. Devi Hanumacharyulu and Others***[1]. In the said decision, the Court examined the nature of a temple-service inam with reference to the entries in the Inam Fair Register, the recommendations recorded therein and the original inam title deed. The Court held that the mere description of an inam as Devadayam or Pagoda Inam does not, by itself, establish that the grant was made in favour of the deity. The nature of the grant has to be determined by examining the relevant documents in their entirety, particularly the terms of the original grant and the identity of the grantee. The principle emerging from the above decision is that the character of an inam cannot be determined merely by relying upon the nomenclature employed in the revenue records.

[1] AIR 1969 AP 392

The material question is whether the grant was made to the religious institution or to an individual, subject to the obligation of rendering service to the institution. Where the grant is established to have been made to an individual and his successors, burdened with the performance of religious service, the mere description of the land as Devadayam Inam in the revenue records would not, by itself, establish the title of the deity.

12. In the case on hand, on a perusal of the documents relied upon by the petitioners, it can be seen that the land admeasuring Acs.15.01 cents in Sy.No.71 stands in the name of Poojari Venkata Chalamaiah, who is the ancestor of the petitioners and under Column 16 of the RSR of Salkapuram village, Kallur mandal, in the remarks columns, the words 'temple service' is mentioned. The said land is classified as Inam dry as per the resettlement register. Further, as per the adangal in respect of the land in question, the name of 'Sri Chennakeshavaswamy' was recorded as pattadar and the names of Sri. P. Ananthaiah and Sri. Sanjeevaiah were recorded as possessors, who admittedly are the immediate ancestors of the petitioners herein. As per the B-Register, the description of the subject land is mentioned as Devadayam. In support of their case, the petitioners furnished a copy of 1-B Register pertaining to the subject land wherein, the name of 'Pujari Kesavaiah' was mentioned as the owner and possessor of the subject property, who is the grandfather of the 1st petitioner herein. Furthermore, on a request made by

the petitioners for furnishing record of rights of Kallur mandal, Salkapuram village, pertaining to lands in Sy.No.71, admeasuring Acs.15.01 cents, the 3rd respondent addressed a letter to the District Collector and District Magistrate, Kurnool vide letter bearing No.Rc.F.630/06, dated 28.01.2007 who in turn informed the 3rd respondent that the details pertaining to the subject land are not available in the Inam Fair Register.

13. The nomenclature “Devadayam” in the B-Register, and the entry “temple service” in the RSR, cannot by itself establish that the original grant was made to the deity Sri Chennakesava Swamy. As held in ***Vallabharana Swami Varu (Deity) v. Devi Hanumacharyulu and Others***, the character of an inam must be determined from the original grant, the inam title deed, the recommendations in the Inam Fair Register and the surrounding circumstances, and not merely from the label used in the revenue records.

14. It is pertinent to note that, in response to the request made by the petitioners for furnishing the Record of Rights pertaining to the land admeasuring Acs.15.01 cents in Sy.No.71 of Salkapuram Village, Kallur Mandal, the 3rd respondent, vide letter bearing Rc.F.630/06, dated 28.01.2007, addressed the District Collector and District Magistrate, Kurnool, and was informed that the particulars pertaining to the subject land were not available in the Inam Fair Register. In the absence of the relevant entries in the Inam Fair Register, the respondents cannot place reliance on the said

register to establish their contention regarding the nature and character of the subject land, without producing any supporting record and contend that the subject land was originally granted in favour of the deity, Sri Chennakesava Swamy, or to the temple itself basing on the revenue entires. Rebutting the same, the petitioners have placed reliance on a copy of the 1-B Register, wherein the name of Pujari Kesavaiah, the grandfather of the 1st petitioner, is recorded as the owner and possessor of the subject land. In such circumstances, the said revenue entry cannot be brushed aside, particularly when the respondents have not produced the relevant Inam Fair Register.

15. It is well settled that the expression “Devadayam” only denotes that the inam was connected with a religious purpose; it does not establish that the land was endowed to the deity or that the temple became the owner thereof. The burden squarely lies upon the respondents, who contend that the title of the subject property lies in favour of the deity. In the absence of such crucial and primary material, the respondents’ contention that the land belongs to the deity is based merely on inference and presumption drawn from the nomenclature used in the revenue records. The classification of the land as “Devadayam Inam” cannot, therefore, be treated as conclusive proof of the deity’s title, nor it can be used to deny the claim of the petitioners for grant of ryotwari pattas and consequential pattadar passbooks and title deeds.

16. Furthermore, learned counsel for the petitioners filed a memo dated 30.07.2026, furnishing a copy of the proceedings of the Commissioner, Endowments department, Andhra Pradesh, Vijayawada bearing Rc.No.M1/19025(35)/3/2019, dated 27.09.2021 passed under similar circumstances. A perusal of the said proceedings would disclose that one Ch. Chinna Venkateswarlu requested to delete the land admeasuring Acs.1.18 cents situated in Sy.No.59 of Mamidalapadu village, Kurnool mandal and district from the list of prohibited properties under Section 22(A)(1)(c) of the Registration Act, 1908. It was observed in the said proceedings that the nature of the said land in R.S.R., is mentioned as Inam and not service inam; that the name of the temple 'Sri Lingamaiah Swamy Temple' is not mentioned; that in the remarks column, besides the word temple service, 'Devasthanam Nowkari' is mentioned. Thus, the Commissioner did not consider it as a temple service inam land and accordingly, directed deletion of the said property from prohibited properties list under Section 22 (A)(1)(c) of the Registration Act. The facts in the said proceedings are similar to the facts of the case on hand. Even in the present case, the petitioners also rely upon the entries in the revenue records, including the 1-B Register, wherein the name of Pujari Kesavaiah, the grandfather of the 1st petitioner, is recorded.

17. Admittedly, the land has been in the continuous possession, cultivation, and enjoyment of the petitioners' ancestors and has thereafter

devolved upon the petitioners by succession. It can therefore affirmatively be held that the mere use of the expressions “Devadayam” or “Devasthanam Nowkari” in the revenue records is not decisive of the true nature of the grant. They do not conclusively establish that the land was granted to the deity itself. The nature and character of the inam must be determined with reference to the original grant, the inam title deed, the Inam Fair Register, and other contemporaneous records, and not merely on the basis of the nomenclature employed in the revenue entries. Applying the settled principles laid down in ***Vallabharana Swami Varu (Deity) v. Devi Hanumacharyulu***, wherein it was held that an inam described as “Devadayam” or “Pagoda inam” is found to have been granted to a named individual and his successors, subject to the performance of temple service, the grant must be treated as a personal inam burdened with service and not as an endowment belonging to the deity. It was further held that in such a case, the service-holder and his heirs are entitled to hold and enjoy the land so long as the service is performed, and the temple or deity cannot claim absolute ownership or seek recovery of possession merely by relying upon the description “Devadayam.”

18. In view of the foregoing discussion, the proceedings dated 18.12.2015 of the 3rd respondent and the consequential proceedings dated 26.05.2018 of the 2nd respondent are liable to be set-aside.

19. Accordingly, this writ petition is allowed. There shall be no order as to costs.

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

JUSTICE V.SUJATHA

Date:16.10.2026
Gss