A SRI KANYAKA PARAMESWARI ANNA SATRAM COMMITTEE AND ORS. ETC.

v.

THE COMMISSIONER, HINDU RELIGIOUS CHARITABLE AND ENDOWMENTS AND ORS. ETC.

B MARCH 27, 1997

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Constitution of India, 1950 : Articles 26(b) and (d).

C *A.P. Charitable and Religious Institutions Endowment Act, 1987.*

Denominational temple—Permissibility of claim as—Arya Vysya Community—Large segments of Hindus—Worshipping Godess Matha Kanyakaparameswari—Held not denominational section for the purpose of Articles 26(b) and (d)—Held it was an institution covered by the provisions of Endowments Act.

D

Sri Adi Visheshwara of Kashi Vishwanath Temple, Varanasi & Ors. **v.** *The State of U.P. & Ors.,* **[1997] 3 SCALE 1, followed.**

Pannalal Bansilal Patti & Ors. **v.** *State of A.P.,* **[1996] 2 SCC 498, applied.**

E

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1340 of 1986 Etc.

From the Judgment and Order dated 8.11.85 of the Andhra Pradesh High Court in L.P.A. No. 16 of 1979.

F With

C.A. Nos. 8535/94 and 1341/89.

And

C.A. No. 2718/97.

K. Ram Kumar, C. Balasubramaniam, Y.S. Rao and Mrs. Asha Nair, G for the State.

Mrs. Pushpa Rajan and K.B.S. Rajan for the Intervenors.

The following Order of the Court was delivered :

H *CA Nos. 1340/86, 8535/94 & CA No. 2718/97* (Arising out of SLP (C) No.

8437/97 (CC-1840/89). A

Delay condoned and leave granted in the special leave petitioners. Application for intervention is dismissed.

The controversy raised in this appeal is covered by the judgment of this Court is *Sri Adi Visheshwara of Kashi Vishwanath Temple, Varanasi & Ors.* v. *The State of U.P. & Ors,* [1997] 3 SCALE 1. B

In the present case, the appellants - Satram Committee claimed the status of as a denominational temple under Article 26(d) of the Constitution. The High Court has held that they have the denominational status, but, nonetheless, it was negatived on the ground that the Managing Committee would be appointed with non-official and official members under the A.P. Charitable and Religious Institutions Endowment Act. Thus, the appellants claimed the status of a denominational one and the Government has questioned the later direction. Admittedly, the Arya Vysya Community is having as many as 102 gotras. In other words, they are representing as large segment of Hindus worshipping Goddess Matha Kanyakaparameswari. In the above cited case, the claim was that the Hindus who worship God Shiva constitute a denominational section entitled to the benefit of Articles 26(b) and 26(d) of the Constitution. A Bench of three Judges, to which both of us were members, had considered the matter in detail and held that Hindu Worshippers of God Shiva are not a denominational section and, therefore, they are not entitled to the benefit of Articles 26(b) and 26(d) of the Constitution for management of the temples. Following the above ratio, we hold that the Hindu sections of the Arya Vysya Community who worship Goddess Matha Kanyakaparameswari are not denominational section for the purpose of Articles 26(b) and 26(d) of the Constitution. As a consequence, it is an institution covered by the provisions of the Endowments Act Accordingly, they are entitled to be administered in the light of the law laid down by this Court in *Pannalal Bansilal Patti & Ors.* v. *State of A.P.,* [1996] 2 SCC 498. C D E F

The appeals are accordingly dismissed. No costs.

CA No. 1341/86 G

Following the above ratio, this appeal is allowed. No costs.

T.N.A.

C.A. Nos. 1340/86, 2718/97 and 8535/94 dismissed and C.A. No.1341/86 allowed.