

Sri Kanyaka Parameswari Anna Satram Committee and Others

Vs

Commissioner, H.R.C. & E. and Others

Civil Appeals No. 1340 of 1986

(K. Ramaswamy, G. B. Pattanaik JJ)

27.03.1997

ORDER

1. Delay condoned and leave granted in the special leave petitions. Application for intervention is dismissed.
2. The controversy raised in this appeal is covered by the judgment of this Court in Sri Adi Visheshwara of Kashi Vishwanath Temple v. State of U.P. [(1997) 4 SCC 606 : (1997) 3 Scale 1]
3. In the present case, the appellants - Satram Committee claimed the status of a denominational temple under Article 26(b) of the Constitution. The High Court has held that they have the denominational status, but, nonetheless, it was negated 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 a 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 a 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 Pitti v. State of A.P. [(1996) 2 SCC 498]
4. The appeals are accordingly dismissed. No costs.

CA No. 1341 of 1986

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