

# ANDHRA PRADESH HIGH COURT

Boppudi Puniah

Vs

Lakshmi Narasimhaswamy Varu

(Chandra Reddy, C.J.)

28.02.1963

## JUDGEMENT

### **Chandra Reddy, C.J.**

( 1. ) THE meaning and effect of section 4 of the Andhra Pradesh (Andhra Area) Inams Abolition and Conversion into Ryotwari Act (XXXVII of 1956) (hereinafter referred to as the Act) is the subject of discussion in these Writ Petitions. This Act was passed in the year 1956 to abolish and convert certain inam land into ryotwari lands. Section 3 of the Act empowers the concerned Tahsildar to decide whether a particular piece of land within his jurisdiction is an inam land and, if so, whether it is held by any institution. It is section 4 of the Act that provides the machinery for abolition of the inam lands and converting them into ryotwari lands. By virtue of this section, every holder of an inam, be it in a ryotwari or a zamindari village, is entitled to a ryotwari patta.

( 2. ) TAHSILDARS of the various parts of the Andhra area started enquiries contemplated by section 3 of the Act. We are here concerned only with inams that form the subject-matter of the present enquiry. At the enquiry concerning these inams, rival claims were put forward by the institutions and certain persons claiming to be either as persons] grantees or as service holders in the particular temples. After holding the enquiries as required by section 3, the concerned TAHSILDARS gave their decisions upholding the claims of either the institutions or the individuals. These adjudications were subject to appeals before the Revenue Divisional Officers, who are constituted as appellate tribunals under sub-section (4) of section 3. In some cases, the Revenue Divisional Officers affirmed the orders of the TAHSILDARS while in others they reversed them. The aggrieved parties have invoked the jurisdiction of this Court under Article 226 of the Constitution to remove on certiorari the determination of the Revenue Divisional Officers. Before we discuss the problem created by section 4 of the Act, we have to advert to the nature of the inams in the several Writ Petitions. At the outset, it has to be mentioned that though the orders passed by the Revenue Divisional Officers in four instances rejecting the claims of the institutions for ryotwari pattas were challenged by filing writ petitions, in W.P. Nos. 739 and 856 of 1960, and 552 and 1228 of 1961 the learned Advocate-General appearing for the institutions

submitted that the adjudications of the Revenue Divisional Officers could not be successfully impeached, having regard to the relevant entries in the extracts from the Inam Fair Register and the confirmation of the inams to named individuals which bring them within the scope of section 4. He, therefore, did not press the writ petition but he wanted that a clause should be introduced in the pattas to the effect that they are issued to the respondents subject to the obligation to perform the services. To this course the respondents are agreeable. We have now to deal with the other inam lands, the pattas in regard to which have been claimed either by the institutions or by other persons claiming to be inamdars. All the inams involved in these Writ Petitions are described as " devadayams" The expression " devadayam ", by itself, does not import that it constituted a grant to the institution. It only means that it is a gift for a religious purpose, i.e., a purpose connected with religion. As pointed out by Ramesam, J., who spoke for the Court in Tripura Sundaramma v. Secretary of State, A.I.R. 1928 Mad. 282, when the British Government dealt with inams in 1859, they appointed an Inam Commission for enquiring into the genuineness of the inams so that they might be recognised and confirmed or not as the case required. They dealt with both classes of cases, namely, the grants to temples and mosques and grants to servants on condition of rendering services in temples and mosques together. Their policy was not to impose quit-rent on them but to recognise and continue the inam so long as the conditions of the grant were being fulfilled, that is, in the case of grants to mosques or temples, as long as the institutions themselves lasted, and, in the case of grants on condition of services, as long as the services continued to be performed. Both being directly or indirectly connected with religion both classes are indiscriminately described as " devadayam ". The inams of this description fall into three classes, namely, (i) grants to the institution, (ii) grants to an office to serve as emoluments annexed to that office, and (iii) grants to named individuals burdened with service. The inams belonging to classes (i) and (iii) do not present much difficulty in the present context. It is the problem connected with the second category that we have to wrestle with here. The inams belonging to classes (i) and (iii) are not many in these petitions and, therefore, they could be easily disposed of. In W.P. Nos. 739 of 1960, 856 of 1960, 522 of 1961 and 1226 of 1961, it was conceded that the inams in question were personal grants and therefore the institutions could not lay any claim to them. In that view of the matter, those petitions were dismissed as withdrawn on 12th February, 1963 as already stated. ( 3. ) IN regard to a few of them, a claim is made on behalf of named individuals that the inams pertained to the third category. This is the subject-matter of W.P. Nos. 836, 837, 838, 839 of 1961 and W.P. No. 877 of 1962. IN all these cases, both the INam Tahsildar and the Appellate Tribunal accepted the title of the institutions to these inams, rejecting the claim of the petitioners. It is to quash these orders that these writ petitions were filed in this Court. The short question that falls for consideration in these writ petitions is whether the inams could be described as grants to persons fulfilling a particular capacity, i.e., to persons holding a particular office in the temple of Sri Varahalakshminarasimhaswamy, Singarayakonda , Nellore district. The contention urged on behalf of the petitioners that they were grants made to named individuals subject to the obligation of rendering a particular service is mainly founded on the entries in columns 13,16 and 17 wherein the names of the original grantees and the names of persons enjoying the properties at

the time of the inam enquiry are given. These columns mention the names of the original grantees as also those of the owners at the relevant time. ;