

Supreme Court of India

Sri Kanyaka Parameswari Anna ... vs The Commissioner, H.R.C. & E. & ... on 27 March, 1997

Bench: K. Ramaswamy, G.B. Pattanaik

PETITIONER:

SRI KANYAKA PARAMESWARI ANNA SATRAM COMMITTEE & ORS. ETC.

Vs.

RESPONDENT:

THE COMMISSIONER, H.R.C. & E. & ORS. ETC.

DATE OF JUDGMENT: 27/03/1997

BENCH:

K. RAMASWAMY, G.B. PATTANAIAK

ACT:

HEADNOTE:

JUDGMENT:

WITH CIVIL APPEAL NOS. 8535/94 AND 1341/89 AND CIVIL APPEAL NO. 2718 OF 1997 [Arising out of SLP (C) No. 8437/97 (CC-1840/89) O R D E R CA NOS.1340/86, 8535/94 & CA NO.2718/97 [Arising out of SLP (C) No. 8437/97 (CC-1840/89) Delay condoned and leave granted in the special leave petitions, Application for intervention is dismissed.

The controversy raised in this appeal is covered by the judgment of this Court in Sri Adi Visheshwara of Kashi Vishwanath Temple, Varanasi & Ors. Vs. The State of U.P. & Ors. [(1997) 3 SCALE 1) 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 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 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. Vs. State of A.P. [(1996) 2 SCC 498].

The appeal are accordingly dismissed. No costs. CA NO. 1341/86 Following the above ratio, this appeal is allowed. No costs.