

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Prayaga
Doss Jee Varu v. Tirumala Anandam Pillai
Purisa Sriranga Charylu Varu and another,
from the High Court of Judicature at Madras ;
delivered the 8th February 1907.*

Present at the Hearing :

LORD MACNAGHTEN.

LORD ATKINSON.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

The suit which has given rise to this Appeal was brought for the purpose of having a scheme settled for the management of a Hindu Devas-tanam, or temple, situated in Tirupati, and the protection of its funds.

It was not disputed in either of the Courts below that a scheme was necessary. The questions in debate were confined to matters of detail.

The state of things which made a scheme necessary and the earlier history of the Institution are summed up in the following passage taken from the Judgment of the High Court :—

“ The temple of Sri Venkateswara in Tirumalai or Tirupati
“ in the North Arcot District is a very ancient Hindu
“ Temple to which worshippers resort from all parts of India,
“ and is in receipt of an annual income of between 2 and 3
“ lakhs of rupees. Prior to the establishment of the British
“ Government, the management of the institution was directly
“ under the ruler of the country for the time being. After
“ the advent of the British, the management passed into the
“ hands of the East India Company, and subsequent to the
“ enactment of Regulation VII. of 1817 of the Madras Code, it
“ was carried on under the control of the Board of Revenue
“ through the Collector of the District. With reference to a
“ despatch of the year 1841 from the Court of Directors
“ ordering the immediate withdrawal from all interference

“on the part of the officers of Government with native
 “temples and places of religious resort, the management of
 “the temple was in 1843 made over to Seva Doss, the head of
 “a Mutt called Hathiramji Mutt, situated in the town of
 “Tirupati at the base of the hill on which the important
 “shrine stands. In the ‘sannad’ by which this transfer
 “of management was effected, it was provided that Seva
 “Doss’ successors in the Mutt should be his successors as
 “Vicharanakartha or Manager of the temple. Seva Doss
 “having died in 1861, Darma Doss succeeded him, and on
 “Darma Doss’ death in 1880, Bagavan Doss became Manager
 “and continued so till 1890. From 1890 to 1894 Mahbir Doss
 “was Manager. And from 1895 to 1900 Ramakisore Doss,
 “the Defendant in the two suits Nos. 31 of 1898 and 10 of
 “1899 on the file of the North Arcot District Court, held the
 “management; and on his death, pending the litigation,
 “the present Mahant, as the head of the Mutt is styled,
 “succeeded to the office of the Manager, and was brought on
 “the record as the legal representative of Ramakisore.

“Now, when in 1843 the management was transferred to
 “Seva Doss, it was, no doubt, expected that the management
 “by the Mahant would prove satisfactory, but the history of
 “what took place subsequent to Seva Doss’ death is, to put
 “it shortly, a record of waste and embezzlement.”

In these circumstances the District Court settled a scheme. The scheme was amended by the High Court on appeal. As amended it was still not satisfactory to the parties most concerned, and the Mahant appealed to His Majesty in Council. The principal objections urged on the Appeal were (1) that the effect of the scheme would be to lower the position of the Mahant and weaken his authority, and (2) that, although there was no surplus in hand nor any immediate prospect of a surplus, the scheme provided for the application of surplus revenue, devoting it to objects admirable perhaps in themselves, but somewhat foreign to the purposes of the Institution. It was pointed out that these provisions were unnecessary at present and likely to prove embarrassing in the future.

The Appeal to this Board was heard *ex parte*. But their Lordships had the benefit of Sir Robert Finlay’s official experience in similar matters in this country. After a full discussion in Court their Lordships, with the assistance of

the learned Counsel engaged, have settled the following scheme which will, they think, meet the exigencies of the case without impairing the authority of the Mahant as the duly constituted manager of the Institution.

Scheme.

1. A treasurer to be appointed by the District Court at a salary.

2. All funds to be in the custody of the treasurer. Rules to be framed by the District Court to ensure the proper receipt and custody of all offerings, income, and funds, and investment of any surplus, and to prevent misappropriation, and to ensure the proper management of any estates or other properties or investments.

3. The Vicharanakartha, two months prior to the commencement of every year, to prepare and file in the District Court a budget of the expenses to be incurred in the ensuing year.

4. The treasurer to put the Vicharanakartha in funds for all disbursements according to the budget, and for any further expenditure deemed necessary by the Vicharanakartha, but unless by leave of the District Court such further expenditure not to exceed Rs. 5,000 during any one year.

5. The Vicharanakartha, within three months after the end of each year, to cause to be prepared and filed in the District Court a detailed account of receipts and disbursements of the year. The accounts to be audited by an auditor to be appointed by the District Court. The remuneration of the auditor to be fixed by the District Court and paid from the Devasthanam funds. An abstract of the said accounts prepared and certified by the auditor to be published in such manner as the District Court shall direct.

6. All surplus income to be invested for the benefit of the temple.

7. No immoveable property of the temple, including lands held on mortgage, lease, or any other right, to be given on lease for more than five years, mortgaged or sold by the Vicharanakartha, except with the sanction of the District Court.

8. No jewels or other property of value to be sold without the sanction of the District Court.

9. Subject to this scheme the Vicharanakartha's position to remain as before.

10. Liberty for the Vicharanakartha and any person interested to apply to the District Court with reference to the carrying out of the directions of this scheme.

11. Liberty for the Vicharanakartha and any person interested from time to time to apply to the High Court for any modification of this scheme that may appear to be necessary or convenient.

Their Lordships will therefore humbly advise His Majesty that an Order be made to the following effect:—

Discharge the Orders of the High Court and the District Court;

Approve the foregoing scheme as a proper scheme for the management of the Devasthanam;

Refer it to the District Court to appoint a treasurer to frame such rules as are required under the said scheme to be framed by them (with power to vary the same from time to time), and also to fix the date when the scheme is to come into operation.

The costs of all parties of this suit, including the charges and expenses of the Vicharanakartha properly incurred, the costs of the Appeal to the High Court, and the costs of the Appeal to His Majesty in Council, to be submitted to the District Court and as approved by the Court to be paid and retained out of the funds of the Devasthanam.
