



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

**TUESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 3889/2026

Between:

1. PRABHALA SUBRAHMANYAM, S/O. LATE KRISHNA MURTHY, AGED ABOUT 81 YEARS, OCC SERVICEDAR, RIO. D. NO. 10-14-95, PARK STREET, WARD NO.11, REPALLE - 522265, BAPATLA DISTRICT
2. PRABHALA HARI,, S/O. LATE KRISHNA MURTHY, AGED ABOUT 58 YEARS, OCC SERVICEDAR, R/O. D. NO. 10-13-16, PRABHALAVARI VEEDHI, REPALLE - 522265, BAPATLA DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF AP, REVENUE (ENDOWMENTS) DEPARTMENT, VELGAPUDI, SECRETARIAT BUILDINGS, AMARAVATHI, GUNTUR DISTRICT. REP. BY ITS PRINCIPAL SECRETARY. 522237
2. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOLLAPUDI, VIJAYAWADA 521225
3. THE DISTRICT ENDOWMENTS OFFICER, BAPATLA, BAPATLA DISTRICT 522265
4. SRI LAKSHMI NARAYANA SWAMYVARI DEVASTHANAM, NALLURU VILLAGE, REPALLE MANDAL, BAPATLA DISTRICT REP. BY ITS EXECUTIVE OFFICER 522265

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 3rd respondent in issuing eviction orders in Rc. No. 2/2025 dated 13.11.2025 for eviction of the 1st petitioner from the land measuring Ac.1.60 cents in Sy. No. 169 in Nalluri Village, Repalle Mandal, Bapatla District and Rc. No. 3/2025 dated 13.11.2025 for eviction of the 2nd petitioner from the land measuring Ac.1.06 cents in Sy. No. 169 in Nalluri Village, Repalle Mandal, Bapatla District and consequentially issuing auction notice dated 27.01 .2026 for leasing out the same lands as bad, illegal, arbitrary, without jurisdiction and violative of Articles 14, 21 and 25 of Constitution of India and consequently set aside the same by directing the respondents not to interfere with subject lands and pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to conduct the auction on 11.02.2023 for the leasehold rights of the lands under the possession of the petitioners measuring Ac. 1.60 cents in Sy. No. 169 belonging to the 1st petitioner and land measuring Ac.1.06 cents in Sy. No. 169 belonging to 2nd petitioner in Nalluri Village, Repalle Mandal, Bapatla District and pass

Counsel for the Petitioner(S):

1.D V SASIDHAR

Counsel for the Respondent(S):

1.GP FOR ENDOWMENTS

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 3889/2026****ORDER:**

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus of declaring the action of the 4th respondent in issuing eviction orders in Rc.No.2/2025 dated 13.11.2025 for eviction of the 1st petitioner from the land measuring Ac.1.60 cents in Sy.No.169 in Nalluri Village, Repalle Mandal, Bapatla District and Rc.No.3/2025 dated 13.11.2025 for eviction of the 2nd petitioner from the land measuring Ac.1.06 cents in Sy.No.169 in Nalluri Village, Repalle Mandal, Bapatla District and consequentially issuing auction notice dated 27.01.2026 for leasing out the same lands as bad, illegal, arbitrary, without jurisdiction and violative of Articles 14, 21 and 25 of Constitution of India and consequently set aside the same by directing the respondents not to interfere with subject lands, and pass such other order.

2. Heard the learned counsel for the petitioners, learned Government Pleader for respondent Nos.1 to 3 and the learned Standing Counsel for respondent No.4.

3. Learned counsel for the petitioners submits that the petitioner Nos.1 and 2 herein are the service Inam holders to an extent of Ac.1.60 cents in Sy.No.169 and Ac.1.06 cents in Sy.No.169 of Nalluri Village, Repalle Mandal, Bapatla District. The said Inam land is under the possession and enjoyment of the petitioners herein since decades. He further submits that once the subject land was notified as Inam land particularly service Inam, for resumption of said Inam on the ground that the Inamdars are not rendering any

services, the authorities concerned should follow due procedure as contemplated under Section 77 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No.30 of 1987). He further submits that the petitioners cannot be termed as encroachers and cannot be removed or evicted from the service Inam land by way of summary proceedings without following the due procedure as contemplated under Section 77 of Act, 1987 and Rules made thereunder. Therefore, the impugned notice dated 15.10.2025 and further public auction notice for granting lease hold rights against the subject property are liable to be set aside.

4. On the other hand, learned Standing Counsel as well as the learned Government Pleader submits that the petitioners themselves admitted that they have not been rendering services for which the Inam was granted, since 2020. Whereas, as per the record of the temple they had not rendering services, since decade. It is further submitted that the person who is not rendering services, cannot hold the Inam and the temple is empowered to resume such land in accordance with law. It is further submitted that in the instant case the respondent No.4 issued notice, since the petitioners are not rendering Inam services since long time and the respondents are under the wrong impression that, the petitioners were in unauthorized occupation and came to a conclusion that the petitioners are in unauthorized occupation and issued notice under

section 83(2) of Act, 1987 for eviction. In view of the mandatory procedure as contemplated under Section 77 of Act, 1987, the authorities concerned should have been followed the procedure once the subject property was classified as Inam service land. He also requested this Court that since the public auction notice for granting leasehold rights in respect of subject property was already issued, the same cannot be disturbed.

5. Having regard to the submissions made by the learned counsels and on perusal of the material placed on record, the fact remains that the subject land is classified as Inam service land. Therefore, the determination of petitioners as encroachers and issuing proceedings for eviction of the petitioners under Section 83(2) of Act, 1987, is contrary to the Section 77 of the Act, 1987 and Rules 5 the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Resumption of Inam Lands and Appeal Rules, 1987.

6. For better understanding Section 77 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No.30 of 1987) as well as Rule 5 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Resumption of Innam Lands and Appeal Rules, 1987 are extracted hereunder:

"77. Resumption of Inam Lands – (1) The Revenue Divisional Officer may, either suo motu or on the application

of the trustee of a charitable or religious institution or endowment or of the Commissioner or of any person having interest in the institution or endowment authorised by the Commissioner, by order, resume the whole or any portion of any such inam land referred to in section 75 on all or any of the following grounds namely:-

(i) that the holder of the inam has effected a transaction which is null and void under section 75;

(ii) that the charitable or religious institution or endowment has ceased to exist or the charity or service has become impossible of performance;

(iii) that the holder of such inam land has failed to perform or make the necessary arrangements for performing, in accordance with the custom or usage of the institution or endowment, the charity or service for the performance of which the inam land was granted.

(2) (a) Before passing an order under sub-section (1), the Revenue Divisional Officer shall give notice to the trustee, to the Commissioner, to the holder of the inam land, to the person in possession of the inam land where he is not the holder thereof and to the alienee, if any, of the inam land and also publish a copy of the notice in such manner as may be prescribed, which publication shall be deemed to be sufficient notice to every other person likely to be affected by such order; and consider the objections, if any, after holding such inquiry as may be prescribed;

(b) Where only a portion of the inam land is affected, notice shall be given under clause (a) to the holder of such portion as well as to the holder or holders of the other portion or portions to the person in possession of every such portion, where he is not the holder thereof, and to the alienee, if any, of every such portion and the objections of all such persons shall be considered by the Revenue Divisional Officer.

(3) A copy of every order passed under sub-section (1), shall be communicated to each of the persons mentioned in sub-section (2) and shall also be published in the manner prescribed.

(4) (a) Where any inam land or portion thereof is resumed under this section, the Revenue Divisional Officer shall, by order, grant a ryotwari patta in respect of the inam land or portion thereof to the charitable or religious institution concerned; and where the resumption is made on the ground specified in item (ii) of sub-section (1) to any such charitable or religious institution as the Commissioner may recommend.

(b) The order granting the ryotwari patta under clause (a) shall, on application made to the Revenue Divisional Officer within the time prescribed, be executed by him in accordance with such rules as may be made in this behalf.

(5) Pending the resumption of an inam land or portion thereof under this section on the ground specified in item (iii) of sub-section (1), the Revenue Divisional Officer may direct the person in possession of the inam land or portion thereof, to pay to the trustee, the expenses incurred or likely to be incurred for the performance of the charity or service to the institution or endowment. In default of such payment, the Revenue Divisional Officer may pass an order or make such arrangement as he considers necessary for the performance of the charity or service; and the expenses incurred therefor shall be recovered from the person in possession of the inam land or portion thereof, as if they were arrears of land revenue."

Rule 5 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Resumption of Innam Lands and Appeal Rules, 1987:

"5. Procedure to be followed by the Revenue Divisional Officer :-

(1) On receipt of an application under sub-section (1) of Section 77, the Revenue Divisional Officer shall-

(a) If he is satisfied that the application is in conformity with the provisions of the Act and these rules, fix a date for the inquiry which shall not be less than thirty days from the date of application; and

(b) If he is not so satisfied, return the application to the applicant for being brought into such conformity and represented within a reasonable period to be specified, which may however be extended at the discretion of the Revenue Divisional Officer.

(2) In cases falling under clause (b) of sub-rule (1)-

(a) if the application is not represented within the specified period in that behalf or if it is so represented within such period but the Revenue Divisional Officer is not satisfied that it has been brought in conformity with the provisions of the Act and these rules, the Revenue Divisional Officer may reject the application; and

(b) if the application is represented within the specified period aforesaid and the Revenue Divisional Officer is satisfied that it has been brought in conformity with the provisions of the Act

and these rules; the Revenue Divisional Officer shall fix a date for the inquiry which shall not be less than thirty days from the date of representation of application.”

7. On perusal of Section 77 and Rule 5 of Rules, 1987, it is clear and categorical that once the land was earmarked or classified as Inam land, the respondent authorities shall follow due procedure as contemplated for resumption of the same. Therefore, the petitioner cannot be evicted or thrown away by way of summary proceedings by determining them as encroachers under Section 83 of the Act. Therefore, the impugned notice issued by respondent No.4 is contrary to law and liable to be set aside.

8. In view of the reasons as explained above, the impugned notice dated 15.10.2025 is hereby set aside. However, the respondents are directed to proceed further for resumption of the land in view of the admission made by the petitioners that the Inam services are not rendering by them as per the provisions as well as rules extracted above. Till completion of such procedure, the finalization/the auction sale notice issued by the respondents cannot be proceeded.

9. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel miscellaneous application, pending, if any, shall also stand closed.

VENKATESWARLU NIMMAGADDA, J

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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