



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

[3329]

FRIDAY, THE THIRTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 4100/2026

Between:

1. GUBILI SURESH, S/O. GUBILI VENKATA NAMA TRINADHULU, AGED ABOUT 45 YEARS, R/O. D.NO.1-11, GANNAVARAM VILLAGE, MANDAVALLI MANDAL, ELURU DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, THROUGH THE PRINCIPAL SECRETARY, DEPARTMENT OF ENDOWMENTS, SECRETARIAT, VELAGAPUDI, AMARAVATI GUNTUR DISTRICT-522238.
2. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, ELURU DISTRICT, ELURU-534006.
3. THE DISTRICT ENDOWMENT OFFICER FAC, ENDOWMENT DEPARTMENT, ELURU, WEST GODAVARI DISTRICT-534001.
4. THE GANNAVARAM GRAMA PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY, GANNAVARAM, MANDAVALLI MANDAL, ELURU DISTRICT-521345.
5. THE SUBINSPECTOR OF POLICE, MANDAVALLI POLICE STATION, MANDAVALLI, ELURU DISTRICT-521345.

...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 issue an appropriate Writ, order or direction more

particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents particularly the respondents 4 and 5 in interfering with the religious activities in Sri Swayambhu Sankalpa Siddheswara Swamy Temple situated in the land of an extent of 242 sq. yards in RS No.140/8A of Gannavaram Village, Mandavalli Mandal, Eluru District is arbitrary, illegal and violative of fundamental rights guaranteed under Articles, 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the religious activities in the Sri Swayambhu Sankalpa Siddheswara Swamy Temple and to 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 4 and 5 not to interfere in the religious, rituals in Sri Swayambhu Sankalpa Siddheswara Swamy Temple situated in the land of an extent of 242 sq. yards in RS No.140/8A of Gannavaram Village, Mandavalli Mandal, Eluru District, pending disposal of the above writ petition in this Hon'ble Court, and to pass

Counsel for the Petitioner:

- 1.SAI GANGADHAR CHAMARTY

Counsel for the Respondent(S):

- 1.GP FOR REVENUE
- 2.GP FOR ENDOWMENTS

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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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 declaring the action of the respondents particularly the respondent Nos.4 and 5 in interfering with the religious activities in Sri Swayambhu Sankalpa Siddheswara Swamy Temple situated in the land of an extent of 242 sq. yards in RS No.140/8A of Gannavaram Village, Mandavalli Mandal, Eluru District is arbitrary, illegal and violative of fundamental rights guaranteed under Articles, 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the religious activities in the Sri Swayambhu Sankalpa Siddheswara Swamy Temple and pass such other order or orders...”

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

3. Learned counsel for the petitioner submits that the petitioner intended to make construction of a private temple under the name and style of Sri Swayambhu Sankalpa Siddheswara Swamy Temple situated in the land admeasuring to an extent of 242 sq. yards in RS No.140/8A of Gannavaram Village, Mandavalli Mandal, Eluru District. In the process of construction of temple, the petitioner submitted an application/representation dated 22.12.2025 to respondent No.2 who is competent authority under the amended Rule 26 of the Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002 vide G.O.Ms.No.376 dated 29.11.2012,

since the subject proposed site is situated within the jurisdiction of the Gram Panchayat. Even though an application was submitted, but till date the respondents neither considered and accorded permission nor replied to the petitioner. He further submits that having submitted his application for permission and having waited for some time for permission and then the petitioner proceeded with the construction. While so, respondent Nos.4 and 5 are interfering with the construction activities of the petitioner. He further submits that since the application is pending before respondent No.2, respondent Nos.4 and 5 cannot be interfered with the construction activities of the petitioner. Hence, the Writ Petition.

4. On the other hand, learned Government Pleader and the learned Standing Counsel for respondent No.4 states that as per the G.O.Ms.No.376 dated 29.11.2012, respondent No.2/Collector is the competent authority. Unless and until permission is accorded by respondent No.2, no such construction can be allowed. He further submits that if construction is allowed there may be a law and order problem in the village and that is why the respondent No.5 also instructed the petitioner not to proceed with the construction till the permission is granted.

5. Having regard to the submissions made by all the learned counsel, the fact remains that that the subject property is a private property of the petitioner, but so far no permission is granted for construction of any temple as claimed by the petitioner. It is settled law even though it is named as a private temple, it cannot be allowed to proceed with the construction without

there being any valid permission as contemplated under Rule 26 of the Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002.

6. For more understanding, it is appropriate to extract the amended Rule 26 of the Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002, hereunder:

“No site shall be used for construction of a building intended for public worship or religious purpose without the prior approval of the Collector of the District who may refuse such approval if, in his opinion, the use of the site for the proposed construction of the building is likely to endanger public peace and order, after giving an opportunity to the applicant to show cause against such refusal”

7. In view of the clear and categorical terms of Rule 26 of Rules, 2002 as mentioned above, any construction without there being any permission is not valid. Admittedly the place/ site of proposed construction is situated within the jurisdiction of respondent No.4/Gram Panchayat. Therefore, the petitioner can be allowed to make construction only after getting permission from the respondent No.2. Till then any construction which is carried out would be declared as illegal and unauthorized construction.

8. In view of the reasons stated above, this Court is inclined to dispose of the Writ Petition directing respondent No.2 to consider the application/representation of the petitioner dated 22.12.2025 which was forwarded by respondent No.3 after having detailed enquiry and hearing the

concerned official and respondent No.3 herein and after providing opportunity to the petitioner and other stakeholders, if any and pass appropriate orders, within a period of two(2) months from the date of receipt of copy of this Order. However, till granting of the permission, the petitioner is also directed not to proceed with any construction. Further, the petitioner is at liberty to conduct functions in his house, not at the proposed site, on the eve of festival of Sivaratri as a family function or private function, but not on the guise of temple.

9. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

Date:13.02.2026
BSP/TPS

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BSP/TPS