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APHC010071802026



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

[3329]

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE VENKATESWARLU
NIMMAGADDA**

WRIT PETITION NO: 4017/2026

Between:

1.P RAMA CHANDRA REDDY, S/O. LATE P. LAKSHMU
REDDY AGED ABOUT 75 YEARS, OCC MEMBER OF
LEGISLATIVE ASSEMBLY R/O. D.NO.23/10/50/2, NEW
MARUTHI NAGAR NEAR SEICOM COLLEGE, M.R. PALLI,
TIRUPATI.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY ENDOWMENTS DEPARTMENT SECRETARIAT
BUILDING, VELAGAPUDI, GUNTUR.

2.THE COMMISSIONER, ENDOWMENTS DEPARTMENT
GOVERNMENT OF ANDHRA PRADESH, VIJAYAWADA.

3.THE ASSISTANT COMMISSIONER, ENDOWMENTS DEPARTMENT
CHITTOOR DISTRICT.

4.THE ASST COMMISSIONER AND EXECUTIVE OFFICER, SRI BUGGA
MATT, TIRUPATI CHITTOOR DISTRICT.

...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 to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in issuing proceedings vide Rc.No.7/2025 dated 30.01.2026 without furnishing documents as per the order of this Honble Court dt.03.07.2025 in WA.No.757 of 2025 and further directing me to remove the alleged encroachments from my lands to an extent of Ac.1.50 cents in Sy.No.261/1 Ac.2.38 cents in Sy.No.261/2, MR Palli, Tirupathi Urban within 10 days as illegal, arbitrary and being violative of Articles 14, 21, 300-A of the Constitution of India apart from being violative of Order dated 03.07.2025 in W.A.No.757 of 2025 and also the principles of Natural Justice and Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987and consequently set aside the same and pass such

Counsel for the Petitioner:

1.K NARSI REDDY

Counsel for the Respondent(S):

1.GP FOR ENDOWMENTS

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

W.P.No.4017 of 2026

This Court made the following

ORDER:

The present Writ Petition is filed aggrieved by the action of the Respondents more particularly the 4th Respondent in issuing proceedings vide RcNo.7/2025, dated 30.01.2026 without furnishing documents as per the order of this Hon'ble Court dt: 03.07.2025 in W.A.No.757 of 2025 and further directing the petitioner to remove the alleged encroachments from petitioner's lands to an extent of Ac.1.50 cents in Sy.No.261/1; Ac.2.38 cents in Sy.No.261/2, MR Palli, Tirupathi Urban within 10 days, which is illegal, arbitrary and being violative of Articles 14, 21, 300-A of the Constitution of India apart from being violative of order dated 03.07.2025 in W.A.No.757/2025 and also the principles of natural justice and Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

2. Learned counsel for the petitioner submits that the Government of Andhra Pradesh vide G.O.Ms.No.988 dated 30.11.1990 permitted the Assistant Commissioner & Executive Officer, Bugga Mutt to sell the lands to an extent of Ac.4.26 cents in Sy.Nos.261/1 & 314/2 in favour of the sitting tenants Sri D. Venkatesam and Sri D. Munaswamy. Accordingly, petitioner's vendors Sri D. Venkatesam and Sri D. Munaswamy purchased the subject lands from Sri Bugga Mutt. Subsequently, petitioner purchased the following lands from Sri D. Venkatesam and petitioner's father late P. Lakshmu Reddy purchased from Sri D. Munaswamy through the below mentioned registered documents.

Sl. No.	Sy.No.	Extent Purchased	Name of Purchaser	Name of Seller	Doc.No.
1.	261/1 314/2	Ac.0.47 cents	P. Rama Chandra Reddy	D. Venkatesam	1297/1991
2.	261/1 314/2	Ac.0.47 cents	P. Rama Chandra REddy	D. Venkatesam	1337/1991
3.	314/2 261/1	Ac.0.52½ cents	P. Lakshmu Reddy	D. Munaswamy	4543/1991
	TOTAL	Ac.1.46½ cents			

3. Learned Senior Counsel Sri C.V. Mohan Reddy, representing Sri K. Narsi Reddy appearing on behalf of for the petitioner submits that the petitioner herein is the absolute owner and possessor of an

extent of Ac.0.47 cents each in Sy.No.261/1 and Sy.No.314/2 having acquired the same from his vendor by name Sri D. Venkatesam through two separate registered sale deeds bearing document Nos.1297/1991 and 1337/1991. Similarly, the father of the petitioner also acquired an extent of Ac.0.52½ cents of land in Sy.Nos.314/2 and 261/1 from his vendor Sri D. Munaswamy vide registered sale deed bearing No.4543/1991, total admeasuring Ac.1.46½ cents were acquired through registered title deeds and having been in possession and enjoyment of the same subject property. He further submits that the impugned proceedings dated 07.03.2025 was issued by the 4th Respondent under Section 83(2) of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short “Act, 1987”) directing the petitioner to remove the encroachments over the endowment property belong to the Bugga Mutt, Tirupathi comprising of land in Sy.No.261/1 to an extent of Ac.1.50 cents and Sy.No.261/2 to an extent of Ac.2.38 cents totaling to an extent of Ac.3.88 cents situated at M.R. Palli, Tirupati Urban Mandal within a period of 10 days. It is also asserts that the said impugned proceedings are

contrary to the orders passed by this Court in Writ Appeal No.757/2025, whereunder this Hon'ble Court specifically directed the respondents that, the petitioner should be furnished documents as requested by him pertaining to Sy.Nos.261/1 and 261/2 falling in M.R. Palli Village, Tirupathi Urban. He also argues that the petitioner submitted an application for furnishing documents before the 4th respondent, as enumerated in the writ appeal at Para-6 of the order of the Writ Appeal. While so, without furnishing the same, the impugned proceedings were issued which is contrary to the orders passed in W.A.No.757/2025 and also in violation of principles of natural justice. Therefore, the impugned proceedings are liable to be set aside.

4. He also asserts that even the impugned proceedings passed by the 4th respondent discloses that the office of the 4th Respondent had furnished 11 documents which are available with the subject Mutt but not submitted other documents as narrated at Para-6 of the order of this Court. Therefore, the respondents did not comply with the orders of this Court in full-fledged manner as directed. Unless the petitioner was provided all the documents as requested,

the petitioner is not able to put forth his defense before the 4th Respondent. Therefore, the order impugned in the writ petition lacks observation of principles of natural justice as well as order of this Court dated 03.07.2025, for which learned Senior Counsel for the petitioner relied upon the ruling held by Hon'ble Supreme Court in **T. Takano vs. Securities and Exchange Board of India and another**¹ wherein the Hon'ble Supreme Court observed as under:

“62.1 The appellant has a right to disclosure of the material relevant to the proceedings initiated against him. A deviation from the general rule of disclosure of relevant information was made in Natwar Singh (supra) based on the stage of the proceedings. It is sufficient to disclose the materials relied on if it is for the purpose of issuing a show cause notice for deciding whether to initiate an inquiry. However, all information that is relevant to the proceedings must be disclosed in adjudication proceedings;

62.2 The Board under Regulation 10 considers the investigation report submitted by the Investigating Authority under Regulation 9, and if it is PART D satisfied with the allegations, it could issue punitive measures under Regulations 11 and 12. Therefore, the investigation report is not merely an internal document. In any event, the language of Regulation 10 makes it clear that the Board forms an opinion regarding the violation of Regulations after considering the investigation report prepared under Regulation 9”

5. On the other hand, learned Advocate General submits that the present writ petition is not maintainable since the impugned

¹ (2022) 8 Supreme Court Cases 162

proceedings dated 30.01.2026 is an appealable order, as such the petitioner has an effective and efficacious statutory alternative remedy under Section 83(6) of the Act, 1987 to approach the Endowment Tribunal, which is appellate authority to decide the right and entitlement of the petitioner with regard to the disputed property. Therefore, the writ petition is liable to be dismissed on this count alone.

6. Learned Advocate General appearing for the 4th Respondent submits that the documents, which are as requested by the petitioner are all not in relation to the subject land of the petitioner, but regarding entire lands owned by the Bugga Mutt in various survey numbers, however whatever within the custody and control of the 4th respondent in relation to the subject land shall be furnished. The said fact and admission of respondent was also recorded by this Court. He further argued that as assured before this Court the 4th Respondent furnished 11 documents which are related to subject land and which are within the custody and control of the 4th respondent authority. Therefore, the petitioner cannot demand again and again for furnishing unrelated and other

documents in relation to other survey numbers and also other than his claim of ownership over the property. He also further asserts that on perusal of the entire affidavit as well as title deeds filed by the petitioner, he declared himself as absolute owner of the property to an extent of Ac.1.46½ cents in Sy.Nos.261/1 and 314/2 only, whereas the respondents issued impugned proceedings for eviction in respect of other than this land to an extent of Ac.1.50 cents in Sy.No.261/1 and Ac.2.38 cents in Sy.No.261/2 of MR Palli, Tirupathi Urban. He also clarifies that the respondents are not taking any steps in respect of land under which the petitioner and his father acquired the land through three separate registered title deeds as extracted above. Admittedly, the petitioner herein did not claim any ownership in respect of the land in Sy.No.261/2 to an extent of Ac.2.38 cents and remaining extent of Ac.1.50 cents in Sy.No.261/1 of M.R. Palli Village.

7. Learned Advocate General further argued that even without claiming the ownership in respect of the land in Sy.No.261/2 and also the other remaining land in Sy.No.261/1, the petitioner is not entitled to claim documents or rights without substantiating his

rights through valid title deeds. The fact remains that the total extent of land in Sy.No.261 is Ac.12.99 cents and the same is divided into Sy.No.261/1, is an extent of Ac.10.61 cents and Sy.No.261/2, is an extent of Ac.2.38 cents. Therefore, the entire claim of the petitioner would be is only against Sy.No.261/1 to an extent of Ac.0.40 cents and Ac.0.06 cents in Sy.No.261/1 (totaling Ac.0.46 cents in Sy.No.261/1). Whereas, the impugned proceedings of eviction were issued other than the land held by the petitioner and by holding that the petitioner got encroached the subject land without there being any authority or rights and ownership. Therefore, the 4th respondent authority is empowered to remove the petitioner from the encroachments in accordance with law. Therefore, the impugned proceedings issued by the 4th respondent are in compliance of the orders of this Court in W.A.No.757/2025, dated 03.07.2025 and hence the impugned proceedings do not warrants any interference of this Court. He further submits that it is a well-settled principle of law that a person asserting vested rights or ownership over the subject property must

stand on the strength of his own case or documents and cannot permit to rely upon the weaknesses or deficiencies of others.

8. Heard learned Senior Counsel for the petitioner and learned Advocate General representing on behalf of respondents and perused the material placed on record.

9. In fact the petitioner herein claiming himself as the absolute owner and possessor of land in an extent of Ac.0.47 cents each in Sy.No.261/1 and Sy.No.314/2 out of Ac.10.61 cents and to an extent of Ac.0.52½ cents of land in Sy.Nos.314/2 and 261/1 of M.R. Palli Village, Tirupathi. On perusal of the entire affidavit as well as title deeds filed by the petitioner also reveals that he is claiming an extent of land Ac.1.46½ cents and he did not claim any ownership in respect of other land in Sy.No.261/2 and the remaining extent of land in Sy.No.261/1 of MR. Palli Village, Tirupathi Urban. It is not in dispute of the fact that the land in Sy.No.261/1 is an extent of Ac.10.61 cents and in Sy.No.261/2 is an extent of AC.2.38 cents. Whereas, either in the present impugned proceedings as well as other notices said to have been issued to the petitioner does not contain the land in Sy.No.314/2 of M.R. Palli Village. Therefore, the

petitioner neither enclosed any material documents in proof of his ownership in respect of other extent of land either in Sy.No.261/1 or 261/2 nor put forth any valid right of possession over the notice mentioned property.

10. Hence, the issues fell for consideration before this Court are

- I. Whether the 4th Respondent herein complied with the orders of this Court in W.A.No.757/2025, dated 03.07.2025? or partly complied with?**
- II. Whether all the documents as requested by the petitioner should be furnished by the respondents or the documents which are within its possession and control would be furnished?**
- III. Whether an alternative efficacious statutory remedy is available to the petitioner?**

Issue No.I

11. For determination of the same it is appropriate to extract the orders passed in W.A.No.757/2025, dated 03.07.2025 as under:

“8. Now the only issue that remains is with regard to providing the documents to the petitioner.

9. We are of the opinion that the petitioner ought to be furnished documents pertaining to Sy.Nos.261/1 and 261/2 falling in M.R. Palli Village in Tirupati.

Learned Advocate General states that the documents shall be furnished to the appellant within one week from today, if the same are within the power and control of the authority.

It is ordered accordingly.

The petitioner would be at liberty to file his explanation within one week thereafter. The matter be heard afresh within four weeks thereafter. As a necessary consequence, the order dated 16.05.2025 passed by the 4th respondent as also the judgment and order impugned are set aside.

We also order that the hearing be conducted by any officer other than the one who had passed the order on 16.05.2025. The petitioner is also at liberty to file written submissions before the officer concerned.

We make it clear that in case any order is passed which is adverse to the interest of the appellant, the same shall not be acted upon for a period of three weeks with a view to enable the appellant to avail his remedies in law.”

12. On perusal of the direction as extracted above, it is clear that Court specifically observed the statement of Advocate General that petitioner shall be furnished, if the same are within the power and control of the authority. In consonance of the statement of the authority concerned, furnished documents seems to be whatever within its power and control and petitioner also admitted that 11 documents were furnished, therefore the order of this Court is complied with. It is not the case of the petitioner that the respondents relied upon the documents, which are not furnished, while passing impugned proceedings or issuing any notices. Moreso, whatever documents they were relied, while issuing proceedings and notices that were duly furnished.

13. As contended by learned Senior Counsel that the documents as directed vide orders dated 03.07.2025 not furnished to the petitioner for substantiating his case and rights and without complying the orders of this Court, issued impugned proceedings by the 4th respondent is not valid submission and lacks merits for the reason that the petitioner himself admitted in his affidavit at Para-11 that he was furnished 11 documents as narrated therein. Hence the order of this Court in W.A.No.757/2025, is complied with in *toto*.

Issue No.II

14. Primarily, on perusal of the documents enlisted by the petitioner, some of the documents so enlisted are not relate to the subject land at all. For example the petitioner requested the documents in respect of land in Sy.No.262 and 314 of M.R. Palli Village, but against which he neither claimed title nor filed any deeds proving his possession or other ancillary rights at all. Much less, he also sought for some other documents without there being proper description, dates and other particulars. Therefore, the request of the petitioner regarding unrelated documents, other than

his claim over the property, which are not duly described, undated and without proper particulars, may not be available with the authority and same are also irrelevant hence it appears all the relevant and available documents with them would have been furnished. The fact remains that this Court also observed in its direction that the submission of learned Advocate General that whatever available within the power and control of the Authority would be furnished. Therefore, the order of this Court dated 03.07.2025 should be read together and after reading the same conjointly it can be drawn that the 4th respondent duly complied the orders of this Court dated 03.07.2025 in W.A.No.757/2025. Therefore, the contention of learned Senior Counsel for the petitioner that the 4th Respondent did not comply with the orders of this Court dated 03.07.2025 and not observed the principles of natural justice is contrary to the facts in hand and lacks merits and liable to be rejected for the reasons as explained above. Accordingly, Issue No.II is answered.

Issue No.III

15. As contended by learned Advocate General the impugned proceedings dated 30.01.2026 is an appealable order, therefore the petitioner has an effective and efficacious statutory alternative remedy under Section 83(6) of the Act, 1987 to approach the Endowment Tribunal, which has the power of Appeal to decide the right and entitlement of the petitioner with regard to the disputed property. Therefore, it is appropriate to extract the relevant provision under Section 83(6) and (7) of the Act, 1987 which reads as under:

“[83. Encroachment of land, building, or any property belonging to a charitable or religious institution or endowment and the eviction of encroacher:-

(6) Any person aggrieved by the orders passed by the authority under sub-section (2) above shall have a right of appeal to the Endowments Tribunal within fifteen days from the date of receipt of the said orders.

(7) During the pendency of the appeal, the Endowment Tribunal is competent to pass such interim orders in the interests of justice including any direction to the encroacher to deposit such amount, either as rentals or otherwise, as may be specified by it in consideration of the use and occupation of the properties in question.”

16. Therefore, the petitioner is entitled to invoke the jurisdiction Under Section 83(6) of the Act, 1987 before the Endowment

Tribunal. Moreover, without any doubt, the petitioner is available efficacious statutory alternative remedy.

17. Accordingly, the Writ Petition is disposed of directing the petitioner to invoke the jurisdiction Under Section 83(6) of the Act, 1987 before the Endowment Tribunal within a period of four (04) weeks from the date of receipt of a copy of this order. Till such period of submission of appeal, the respondents are restrained from taking any coercive action against the petitioner, failing which the respondents are at liberty to proceed further in accordance with law. No costs.

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

JUSTICE VENKATESWARLU NIMMAGADDA

Dt:07.05.2026
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Whether the order is:

Speaking		Reasoned	☒
Reportable		Non-reportable	☒

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THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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Dt: 07.05.2026
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