

APHC010175372011



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

[3329]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 27432/2011

Between:

1. G. LAKSHMI, CHITTOOR DISTRICT & 80 OTHERS, W/O G. RAJASEKHAR, COOLIE R/O D.NO.13-86/4, L.B.NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
2. C. SUBRAMANYAM,, S/O C. SURYANARAYANA, COOLIE R/O D.NO.13-83/4A, L.B.NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
3. U. PADMA,, W/O U. KRISHNAMURTHY, COOLIE R/O D.NO.13-51/7A,, L.B.NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
4. P. ARUNA KUMARI,, W/O P. GIRIPRASAD COOLIE R/O D.NO.7-147/28, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
5. P. ARUNA KUMARI,, W/O P GIRIPRASAD, COOLIE R/O D.NO.7-147/28, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
6. T. SALAMMA,, W/O T SUBRAMANYAM, COOLIE R/O D.NO.13-186/5, L.B.NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

7. A KALAVATHI,, W/O A DELHI BABU, COOLIE R/O D.NO.13-186, L.B.NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
8. N. JAYACHANDRA,, S/O N. NARAYANA, COOLIE R/O D.NO.7-146/16C, , SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
9. A SAVITHRAMMA,, W/O LATE SUBRAMANYAM, COOLIE R/O D.NO.13-86/B36, L.B.NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 10.C. MANJULA,, W/O C MUNIPARTHASARADHI, COOLIE R/O D.NO.13-146/29A, L.B.NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 11.D. SAKUNTHALAMMA,, W/O D SWAMY, COOLIE R/O D.NO.7-147/28, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 12.V. PADMAVATHI,, W/O V EDUKONDALU, COOLIE R/O D.NO.7-147/28, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 13.P. MADHAVI,, W/O P. BALAKRISHNA, COOLIE R/O D.NO.7-146/A, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 14.M. KAVAMMA,, W/O M. BABU, COOLIE R/O D.NO.7-146, 11A, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 15.B. CHITTEMMA,, W/O B. GANGULAIAH, COOLIE R/O D.NO.7-146/11, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 16.K. JAMUNA,, W/O K. NARAYANA, COOLIE R/O D.NO.7-146/8B, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

- 17.B. LALITHAMMA,, W/O LATE B JAYARAM, COOLIE R/O D.NO.7-186/8B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 18.P RAMAKKA,, W/O P. SANKARAIHAH, COOLIE R/O D.NO.13-186/A15, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 19.P USHA,, W/O P GIRI, COOLIE R/O D.NO.13-186/A14, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 20.K. VIJAYALAKSHMI,, W/O K. RAMAIAH, COOLIE R/O D.NO.13-83/16A,, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 21.A. JAYALAKSHMI,, W/O A. LOKESH BABU, COOLIE R/O D.NO.13-132/5, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 22.V. LAKSHMI DEVI,, W/O V.H.PRASAD, COOLIE R/O D.NO.7-147/26A, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 23.M. SIVA KUMARI,, W/O M.VENKATA KAMESWARA RAO, COOLIE R/O D.NO.7-146/16, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 24.G. VANISRI,, W/O G RANJIKANTH KUMAR, COOLIE R/O D.NO.13-186/35B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 25.G. LAKSHMI DEVI,, W/O SREENIVASULU, COOLIE R/O D.NO.13-187/1, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 26.A. J. ;SUKANYA,, W/O A SAMPATH KUMAR, COOLIE R/O D.NO.13-51/4, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 27.S. MALLIKHA,, W/O S AVMANULLA, COOLIE R/O D.NO.7-147/38B,

SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

- 28.A. SYMALA,, W/O A NAGABHUSHANAM, COOLIE R/O D.NO.7-146/14A, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 29.S. NAGARANI,, W/O S NAGESWARA RAO, COOLIE R/O D.NO.13-187/5, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 30.N.PRABHAVATHI,, W/O N. NAGARAJU, COOLIE R/O D.NO.7-146/8A1, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 31.C. SYAMALA,, D/O C. NAGARAJU, COOLIE R/O D.NO.13-186/C1, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 32.P. SUBRAMANYAM,, S/O P VENKATASWAMY, COOLIE R/O D.NO.13-186/C2B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 33.A. ;RAJAMMA,, W/O A VILLIAIAH, COOLIE R/O D.NO.13-186/C4, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 34.K. LAKSHMI DEVI,, D/O GANGAMALLU, COOLIE R/O D.NO.13-186/C4, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 35.K. RAJENDRAN,, S/O RANGAIAH, COOLIE R/O D.NO.13-186/30, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 36.P. SAILAJA,, D/O RAJANNA, COOLIE R/O D.NO.13-186/C8, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 37.P. SABITHA,, D/O Y NARAYANA, COOLIE R/O D.NO.13-186/C9, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

- 38.G. ;DEVI,, W/O G JYOTHSWAR, COOLIE R/O D.NO.13-186/36A, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 39.K. KRISHNAMMA,, W/O K. SIDDHAIAH, COOLIE R/O D.NO.13-186/B21, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 40.P. JAYALAKSHMI,, W/O P ETHIRAJULU, COOLIE R/O D.NO.13-186/B22, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 41.B. GANGA GOWRI,, W/O B. VENKATESWARLU, COOLIE R/O D.NO.13-186/23, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 42.K. PARVATHI,, W/OLATE K. PRABHAKAR, COOLIE R/O D.NO.13-186/B25, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 43.C. CHITTY,, W/O C VENKATADRI, COOLIE R/O D.NO.13-186/B35/03, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 44.A JAMUNA,, D/O E RAMANAIDU COOLIE R/O D.NO.13-186/B26, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 45.K. MADHU,, S/O K CHANANJAYULU, COOLIE R/O D.NO.13-186/B37, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 46.C. PUTTEMMA,, W/O LATE C CHALLAIAH, COOLIE R/O D.NO.13-86/B31, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 47.C. KUMARI,, W/O C ALIGESH, COOLIE R/O D.NO.13-186/32, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 48.G RAMADEVI,, W/O G. RAMACHANDRA, COOLIE R/O D.NO.13-

- 187/7, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 49.E LAKSHMIKANTHAMMA,, W/O E RAMACHANDRAIAH, COOLIE R/O D.NO.13-187/10, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 50.Y. RANGAMMA,, W/O Y SAMBAIAH, COOLIE R/O D.NO.13-187/11, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 51.N. GOVINDAMMA,, W/O N DESAIAH, COOLIE R/O D.NO.13-186B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 52.V GEETHA,, W/O V RAMANAIDU, COOLIE R/O D.NO.13-186/31B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 53.V KALAVATHI,, W/O M. VICTOR, COOLIE R/O D.NO.13-186/A10, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 54.V. NEELAVATHI,, W/O V VENAYAKA, COOLIE R/O D.NO.13-186/B34, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 55.V. PRABHAVATHAMMA,, W/O V SUBRAMANYAM, COOLIE R/O D.NO.13-186/A1, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 56.K. AMARAVATHI,, W/O K. MUNIRAJU, COOLIE R/O D.NO.13-186/6, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 57.N. NAGAMANI,, D/O N. GAGULAIAH, COOLIE R/O D.NO.13-186/C4, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 58.K. NARASIMHA REDDY,, W/O K CHANGA REDDY, COOLIE R/O

D.NO.13-123/B2, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

59.J. KALAVATHI,, W/O P. LAKSHMI NARAYANA, COOLIE R/O D.NO.13-186/B34A, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

60.S. ROOPALATHA,, W/O S JAYARAJ, COOLIE R/O D.NO.13-186/7, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

61.S. LEELA,, W/O S. RAJAMANI, COOLIE R/O D.NO.13-186/35C, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

62.A DESAMMA,, W/O A SADANAN COOLIE R/O D.NO.13-186/35B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

63.A SUBRAMANYAM,, S/O A CHANGALRAYULU, COOLIE R/O D.NO.13-186/36B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

64.B. MANGAMMA,, W/OB VENUGOPAL, COOLIE R/O D.NO.13-51/7B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

65.P. MADHAVI,, W/O P SURESH, COOLIE R/O D.NO.13-83/1, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

66.D. RAVI,, S/O D MUTHAIAH, COOLIE R/O D.NO.13-195/C, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

67.A RAJALAKSHMI,, W/O A RAMU, COOLIE R/O D.NO.13-186/35A, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

68.G LAKSHMI,, W/O G CHINNA, COOLIE R/O D.NO.13-186/A2, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

69.B. MUNEMMA,, W/O B CHANGAIAH, COOLIE R/O D.NO.13-186/C2B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI,

CHITTOOR DISTRICT.

- 70.G PRASANNA,, W/O C CHENCHU PRASAD, COOLIE R/O D.NO.13-186/C2, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 71.G LAKSHMI,, W/O CHIRANJEEVI, COOLIE R/O D.NO.24-12-70, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 72.K. PARVATHI,, W/O K. NAGARAJU, COOLIE R/O D.NO.24-12-84, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 73.P. PREMELA,, W/O P MURAGAIH, COOLIE R/O D.NO.13-187/12, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 74.S RANIAMMA,, W/O S SIDDIRANMAIAH, COOLIE R/O D.NO.7-146/14C, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 75.K. YESODHAMMA,, W/O K SEETHARAIAH, COOLIE R/O D.NO.7-146/14B, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 76.T JAYAMMA,, W/O T GURAVAIAH, COOLIE R/O D.NO.13-80/5, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 77.M. MUNIKRISHNA,, S/O RAMAIAH, COOLIE R/O D.NO.7/147/39B, SHANTHI NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 78.E GURAMMA,, W/O CHANDRA COOLIE R/O D.NO.7/147/37 A, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 79.D. LAXMIDEVI,, W/O D SHANKARAIAH, COOLIE R/O D.NO.13-187/C, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.
- 80.D. SUDHAMANI,, W/O D VENKATARAMAIAH, COOLIE R/O D.NO.13-182/2, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI,

CHITTOOR DISTRICT.

81.K. MANGAMMA,, W/O K BHEEMAIAH, COOLIE R/O D.NO.13-186/1A, L.B. NAGAR, M.R.PALLI PANCHAYAT, TIRUPATI, CHITTOOR DISTRICT.

...PETITIONER(S)

AND

- 1.PRL SECY ENDOWMENTS DEPT REV HYD 5 OTHERS, REP BY ITS PRINCIPAL SECRETARY, ENDOWMENTS DEPARTMENT (REVENUE) SECRETARIAT, SAIFABAD, HYDERABAD.
- 2.THE DISTRICT COLLECTOR, CHITTOOR DISTRICT, CHITTOOR.
- 3.THE DEPUTY COMMISSIONER OF ENDOWMENTS DEPARTMENT, KURNOOL.
- 4.THE REVENUE DIVISIONAL OFFICER, TIRUPATI REVENUE DIVISION, TIRUPATI, CHITTOOR DISTRICT.
- 5.PAGULURI SEETHAMMAGARI SATRAM, PRIVATE TRUST, REP BY ITS CHAIRMAN, HOLDING OFFICE AT NEW STREET, TIRUPATI, CHITTOOR DISTRICT.
- 6.M R PALLI GRAM PANCHAYAT, TIRUPATI - 2, CHITTOOR DISTRICT. REP BYITS PANCHAYAT SECRETARY.

...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 toto issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in passing the order in O.A. 23 of 2003 dated 09.07.2003 as being illegal, arbitrary, improper, violationof Principles of Natural Justice and contrary to the mandatory provisions of A.P. Charitable & Hindu REligious Institutions & Endowments Act 30 of 87 and consequently set aside the same and further direct the 1st and 2nd respondents to acquire the land consisting of the Petitioners' houses/huts situated in Sy.No.296 and 302 of Tirupati village

accounts, Tirupati Urban Mandal, M.R.Palle, Chittoor District for providing respective house sites to the petitioners under the provisions of the Land Acquisition Act 1894 and to pass

Counsel for the Petitioner(S):

1.BOBBA VIJAYALAKSHMI

Counsel for the Respondent(S):

1.P V RAGHU RAM

2.GP FOR REVENUE

3.GP FOR ENDOWMENTS

4.CH VEDAVANI

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**W.P.No.27432 of 2011**

This Court made the following

ORDER:

Learned counsel for the petitioners submits that the petitioners herein are residing in their respective huts and houses since 50 years. While so, without following due process of law and without observing principles of natural justice respondents are taking steps for eviction of the petitioners from their respective huts and houses. Hence the writ petition.

2. On the other hand, learned Standing Counsel for 5th Respondent Satram filed counter on behalf of the 5th Respondent, wherein it is stated as under:

"2) The brief facts relating to the property are A philanthropist by name Smt. Pangaluri Seethamma has endowed a house and Ac.42.52 etc. in Sy.Nos 296 and 302 in Tirupati pilgrim town while constituting a Charitable Institution Smt. Panguluri Seethamma Arya Vysya Dharma Satram (5th Respondent herein) for the benefit of Arya Vysya Samajam community under a Will dt.4-4-1928. On her demise, the then Trust Board Chairman has agreed to sell different portion of property covering Ac.26-00 out of Ac.42-52 cts, to third parties and executed Sale Deeds too in their favour. Pending registration of the aforesaid Sale Deeds, representation was made on 17-1-1993 by the members of the 5th Respondent Society to the Government of AP complaining of illegal transactions and requesting them to protect the properties of the Dharma Satram. No action followed. Thus, the Samajam has filed WP.No.11271/1993 on the file of this Hon'ble Court for issuance of writ of mandamus directing the government to consider the representation

made on 17-1-1993 and alternatively sought for restraint of alienation of trust properties. It was disposed on 10-8-1993 with a direction to consider the representation and pass appropriate orders thereon in accordance with law.

3) Thereupon, the Samajam filed a representation to the Government on 14-8-1973 followed by another representation on 27-8-1993. Since no concrete action ensued from the Department, the Samajam has filed another W.P.No.14584/1993 and the same was disposed of on 4.12.1995 holding the writ petition did not survive. The Samajam has preferred W.A.No.1/1996 on the file of Hon'ble Division Bench of this Court invoking C1.15 of Letters Patent against the orders in W.P.No.14484/1993. At the stage of admission, the Hon'ble Division Bench passed the order on 04-10-1996 restraining the Sub-Registrar, Registration Department, Tirupati from registering the sale deeds while directing the Respondent to submit a report to Hon'ble Court within three months on initiation of proceedings under Sec.87 of the Act. Pending Writ Appeal, this Respondent has filed O.A.No.39/1996 on the file of Dy. Commissioner of Endowments, wherein order was passed on 06-07-1996 after elaborate enquiry, holding that this Respondent Institution is a Public Charitable Institution and is governed by the provisions of Endowments Act and further held that the so called purchasers were in enjoyment of different portions of trust property as tenants.

5) It is strange to note that the Petitioners are bringing up issues which were already settled in W.A.No.1/1996 on 4-10-1996. Thus, the contentions of writ affidavit have no force of law. This Respondent Charitable Institution was published under Sec.60(1) of the Endowments Act 30 of 1987 as per R.C.No.J3/3372/97, dt.26-14 1993. It is submitted that the Petitioners settled in a portion of land in Sy.No.296. and 302 at Seethammanagar, Muthyalareddipalli Village, Tirupati (Urban) Mandal, Chittoor District since past 50 years by raising huts. Petitioners are all encroachers illegally occupying small bits of property of this Respondent taking advantage of the property is a trust property. It is submitted that one batch after another set of floating people having bird's eye to grab the trust property of this Respondent. The law was set in motion as per orders in W.A.No.1/1996 before the 3 Respondent in OA 23/2003 dt.09-07-2003 as the encroachers are floating grabbers of trust property of this Respondent. After considering the issue, on enquiry the 3rd Respondent has issued proceedings by following due process of law statutory provisions of Endowments Act. It is put to strict proof of that the Petitioners are poor and belongs to backward caste and minority communities coolies without any immovable property and shelter. The issuance of cards under Gramina

Upadi Hami Patakam and also granted loans to them are put to strict proof. The allegations in para 3 of the affidavit are also put to strict proof regarding provisions of water taps and electricity connection etc. cannot be a cause of grabbing trust property. The judgments cited therein has no application to the present case.”

3. As contended by learned Government Pleader for Endowments the 5th Respondent Satram was notified under Section 6(c)(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short “Act, 1987”) as a Notified Institution. Therefore, all the properties vested with the 5th Respondent were registered under Section 43 of the Act, 1987.

4 Heard learned counsel for the petitioners and learned Government Pleader for Respondents and perused the material on record.

5. It is an admitted fact that the petitioners are in possession and enjoyment of their respective extent of sites since 50 years either by way of title deeds or by way of unauthorized occupation in respect of the land in Sy.Nos.296 and 302 of Tirupati Village, Tirupati Urban Mandal, M.R. Palle, Chittoor District. The fact remains that the entire subject land to an extent of Ac.42.52 cents in Sy.Nos.296 and 302 situated at Tirupati Village, Tirupati Urban Mandal, M.R. Palle, Chittoor District is vested with the 5th Respondent Satram by virtue of the registered Will dated 04.04.1928. Thereafter pursuant to the orders of this Court in Writ Appeal No.1 of 1996, the 5th Respondent temple was notified under Section 6(c)(1) of the Act, 1987 on 26.11.1993. Pursuant to the said notification the properties of the Satram were registered

under Section 43 of the Act, 1987. While so, the 4th Respondent who is the Competent Authority passed orders dated 09.07.2003 in O.A.No.23/2003 holding the eviction of the petitioners/encroachers as unauthorized occupants from their respective lands in Sy.Nos.296 and 302 of Tirupati Village, Tirupati Urban Mandal, M.R. Pale, Chittoor District under Section 85(1) of the Act, 1987.

6. In view of the orders in O.A.No.23/2023, the petitioners are entitled for the observation of due process of law as well as principles of natural justice before evicting them since the petitioners have been continuing their possession for more than 50 years. Therefore, this Court is inclined to dispose of the present Writ Petition directing the Respondent Nos.1 to 5 herein if they intend to evict the petitioners from their respective lands they shall follow due process as contemplated under Section 83 of Act, 1987. No costs.

7. With the above direction, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

Dt: 18.02.2026
krk

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

133

W.P.No.27432 of 2011

Dt: 18.02.2026

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