

**WRIT APPEAL No.470 of 2026**

Sri Lakshmi Narayana Swamyvari
Devasthanam

...Appellant

Vs.

Prabhala Subrahmanyam and others

...Respondents

Advocate for Appellant : Sri Kappera Koteswara Rao, learned
Standing Counsel for Endowments.

Advocate for Respondents : Learned Government Pleader for
Endowments, learned Government
Pleader for Revenue,
Sri D. V. Sasidhar.

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R. RAGHUNANDAN RAO**

DATE : 23rd April 2026

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The present Writ Appeal has been preferred against the judgment and order dated 10.02.2026 passed in Writ Petition No.3889 of 2026.

2. According to the petitioners, they were Service Inam Holders of land measuring Ac.1-60 cents in Sy.No.169 and Ac.1-06 cents in Sy.No.169 of Nalluri Village, Repalle Mandal, Bapatla District. On the ground that the petitioners were not rendering the requisite service, eviction proceedings were initiated in terms of Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No.30 of 1987) by the

Executive Officer of Sri Lakshmi Narayana Swamyvari Devasthanam. Response was filed to the notices of eviction issued by the Executive Officer of the said temple in which the stand taken was that the noticees were ready to perform the seva. Finally, orders of eviction came to be passed by the Executive Officer on 13.11.2025. The petitioners challenged these orders as also the subsequent auction notice dated 27.01.2026.

3. Before the learned single Judge in W.P.No.3889 of 2026 which came to be allowed by virtue of the judgment and order impugned, which is challenged in the present writ appeal, it was held by the learned single Judge that the proceedings initiated for evicting the petitioners were without jurisdiction inasmuch as the procedure for evicting a Service Inam Holder which had to be followed was prescribed under Section 77 of the Act read with Rule 5 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Resumption of Inam Lands and Appeal Rules, 1987 and not under Section 83 of the Act which pertains to evicting encroachers from the land in question belonging to the temple.

4. Learned counsel for the appellant urged before us that while it was true that the petitioners were the Service Inam Holders and the procedure which ought to have been followed was prescribed under Section 77 of the Act and Rule 5 of the Rules of 1987, yet, it was sought to be urged that the petitioners had already been evicted from the premises in question.

5. Our attention in this regard has been drawn to the Possession Certificates, which are signed amongst others by the Executive Officer and Inspector, Endowments Department, reflecting that possession had been taken over of the premises in question on 07.01.2026.

6. We are of the opinion that the entire procedure adopted by the Executive Officer in issuing the eviction notices and taking over possession was without jurisdiction inasmuch as the authority under Section 77 of the Act which could have initiated the process for evicting a Service Inam Holder, the notice had to be issued by the Revenue Divisional Officer and not by the Executive Officer. All proceedings initiated by the Executive Officer, therefore, were rightly held to be *non est* in the eye of law by the learned single Judge whom we feel was right in allowing the writ petition and setting aside not only the impugned show cause notices dated 15.10.2025 but also the auction notice dated 27.01.2026 issued in regard thereto.

7. Although learned counsel for the petitioners/respondent Nos.1 and 2 herein has seriously contested the factum of the taking over of the possession of the land in question and claim that they are still cultivating and in possession of the land, yet, without going into that issue, we are of the opinion that since the entire action initiated by the official respondents was without jurisdiction, adopting the principle of restitution, we direct that possession even if taken by the official respondents on 07.01.2026 be restored to the petitioners within one week from today. However, we make it clear that it will

be open to the appellant to adopt the prescribed procedure for taking away the possession of the land in case the response which may be filed to the proposed notice issued under Section 77 of the Act does not inspire confidence and if the conditions otherwise prescribed under Section 77 of the Act for eviction of such Service Inam Holders are satisfied.

8. Accordingly, the Writ Appeal is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

R. RAGHUNANDAN RAO, J

AMD

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**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO**

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Dt:23.04.2026

AMD