



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

[3329]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10348/2026

Between:

1. GVR INFRA LTD, REP. BY ITS AUTHORIZED SIGNATORY, K.V. R. S. S. SHARMA S/ O JAGANNADHA RAO AGED ABOUT 56 YEARS, R/O.PLOT NO.231, AYYAPPA SOCIETY, MADHAPUR, HYDERABAD. 50008

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, REVENUE (ENDOWMENTS) DEPARTMENT, SECRETARIAT, VELAGAPUDI, ANIARAVATI. 522237

2. THE COMMISSIONER OF ENDOWMENTS, ANDHRA PRADESH, VIJAYAWADA. 521225

3. THE DEPUTY COMMISSIONER OF ENDOWMENTS, ANDHRA PRADESH, VIJAYAWADA. 521225

4. SRI VARAHA LAKSHMI NARASIMHA SWAMY VANI DEVASTHANAM SIMHACHALAM TEMPLE, REP. BY ITS EXECUTIVE OFFICER, SIMHACHALAM, VISAKHAPATNAM. 530028

...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 topleased to issue a Writ of Mandamus, declaring the action of the 4th Respondent Temple in terminating the lease of the subject property to the extent of Ac.3.47cents in Sy.No.26 of Mudasarlova Village, Simhachalam,

Visakhapatnam vide proceedings RC No.C1/6/2024, dated 8.4.2026 without following the due process of law and without issuing any prior notice as illegal and arbitrary and set aside the impugned termination notice, and further direct the 4th Respondent to afford a reasonable opportunity for the petitioner to submit explanation pursuant to the said notice dated 8.4.2026 and pass

IA NO: 1 OF 2026

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 grant Interim Stay of all further proceedings pursuant to the impugned proceedings vide RC. No. C 1 / 6/ 2024, dated 8.4.2026, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1. SRIPATHI RAVI TEJA

Counsel for the Respondent(S):

1. GP FOR ENDOWMENTS

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.10348 OF 2026

ORDER:-

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

“to issue a Writ of Mandamus declaring the action of the 4th Respondent Temple in terminating the lease of the subject property to the extent of Ac.3.47cents in Sy.No.26 of Mudasarlova Village, Simhachalam, Visakhapatnam vide proceedings RC.No.C1/6/2024 dated 8.4.2026 without following the due process of law and without issuing any prior notice as illegal and arbitrary and set aside the impugned termination notice and further direct the 4th Respondent to afford a reasonable opportunity for the petitioner to submit explanation pursuant to the said notice dated 8.4.2026 and pass such other order or orders....”

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

3. The case of the petitioner is that the petitioner herein is an existing lease holder in respect of the land admeasuring Ac.3.47 cents in Sy.No.26 situated at Mudasarlova Village, Simhachalam, Visakhapatnam. Initially, the subject lease was granted in the year 2012. Thereafter, the said lease has been extending from time to time by following due process as contemplated and by enhancing rental amount as provided under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Immovable Properties and Other Rights (Other than Agricultural Lands) Leases and Licenses Rules, 2003 (in short 'the Rules, 2003). He further submits that finally the subject lease was extended for another period *vide* proceedings

dated 06.02.2026 by the respondent Nos. 3 and 4 in respect of land in Sy.No.26 of Mudasarlova Village. The renewal of the lease is subsisting upto 31.01.2027. But while lease is subsisting, the respondent authorities i.e., respondent No.4 herein without any prior notice and without considering the Rules, 2003 as well as terms of the lease dated 06.02.2026 issued proceedings dated 08.04.2026 cancelling the surface lease hold rights and directing the petitioner to vacate the subject leased land with immediate effect which is arbitrary, illegal and in violation of principles of natural justice as well as the terms of the lease dated 06.02.2026 and Rules, 2003. Hence, the writ petition.

4. On the other hand, the learned Standing Counsel appearing for respondent No. 4 and the learned Government Pleader for respondent Nos. 1 to 3 would submit that the impugned notice dated 08.04.2026, directing the petitioner to vacate the premises, was issued without observing the principles of natural justice as well as the terms of the lease agreement dated 06.02.2026, and is therefore not in accordance with law. Hence, without proceeding further pursuant to the notice dated 08.04.2026, the respondent authorities would follow due process of law as contemplated under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (in short, "Act 30 of 1987") as well as the rules made there under.

5. Considering the submissions made by the both the learned counsel and on perusal of the material placed on record, this Court observed that the

petitioner is the existing lease holder in respect of surface land lease over the vacant land situated in Sy.No.26 of Mudasarlova Village up to 31.01.2027 in view of the recent extension was granted on 06.02.2026 by respondent No.4 herein. Therefore, the nature of the possession over the subject property by the petitioner herein is admitted and permitted possession pursuant to the lease extended by respondent No.4 in favour of the petitioner. It is settled law if the petitioner is an admitted and permitted possession holder out of agreement or contract between the two parties, he cannot be neither evicted nor removed without following the terms of such agreement as well as without observing principles of natural justice, the due procedure as contemplated under the Act, 1987 read with Rules, 2003. In the instant case, the issuance of impugned proceedings dated 08.04.2026 is certainly contrary to the reasons assigned above. As contended by the learned counsel for the petitioner, the impugned proceedings issued by the respondents is without observing either principles of natural justice or provisions as contemplated under Rules, 2003 read with terms of the agreement dated 06.02.2026 is valid and merit submission. Therefore, the impugned proceedings dated 08.04.2026 are certainly arbitrary in nature. Since the respondents have represented that they would follow the due process of law as observed by this Court and extracted above, they can be directed to do so.

6. Therefore, this Court is of the considered view that the present Writ Petition can be disposed of, setting aside the impugned proceedings dated

08.04.2026 and directing the respondents that if they are in need of the subject land, they shall follow the due process of law as explained above.

7. With the above directions, 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:20.04.2026
BSP

16

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.10348 OF 2026

Date:20.04.2026
BSP