



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

[3329]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 14765/2014

Between:

1. MADDURU SUBBA RAO S/O VENKATESWARLU,, HINDU, AGED ABOUT 54 YEARS, OCC BUSINESS, R/O D.NO.28-4-36, MYPADU GATE CENTER, KISANNAGAR, NELLORE - 524002 SPSRNELLORE DISTRICT.

...PETITIONER

AND

1. GOVERNMENT OF ANDHRA PRADESH, REP. BY ITS SECRETARY, (ENDOWMENTS DEPT.) SECRETARIAT, HYDERABAD.
2. THE DEPUTY COMMISSIONER, ENDOWMENTS DEPARTMENT, GUNTUR, GUNTUR DISTRICT
3. THE ASSISTANT COMMISSIONER, ENDOWMENTS DEPARTMENT NELLORE. SPSRNELLORE DISTRICT
4. SRI SEETHARAMANJANEYA SWAMY TEMPLE, NAWABPET, NELLORE. SPSRNELLORE DISTRICT, REP. BY ITS EXECUTIVE OFFICER.

...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 a writ, order or direction more particularly in the nature of writ of mandamus, to declare the Eviction Notice in R.C.No.A-1/1386/2009, Admn. Dated 09-05-2014 issued by the Assistant Commissioner, Endowments Department, Nellore, the 3rd Respondent herein, impugned

herein as illegal, void, without jurisdiction, and unjust in violation of principles of natural justice and Article 300-A of Constitution of India and set-aside the same in so far as the petitioner herein

IA NO: 1 OF 2014(WVMP 1971 OF 2014

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 vacate the interim order dt:29/05/2014 made in WPMP No.18299/2014 in WP No.14765/2014

IA NO: 2 OF 2014(WVMP 2035 OF 2014

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 vacate the interim order dt:29/05/2014 made in WPMP No.18299/2014 in WP No.14765/2014

IA NO: 3 OF 2014(WPMP 18303 OF 2014

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 stay of eviction of the petitioner from the land in question bearing D.No. 28-4-36, covered by D.No.141 and 314 of Mypadu gate, Nellore Mandal, Nellore, SPSR Nellore District, pending the disposal of the above writ petition

Counsel for the Petitioner:

- 1.PENJURI VENUGOPAL

Counsel for the Respondent(S):

- 1.M SRINIVASA RAO
- 2.GP FOR ENDOWMENTS (AP)
- 3.GP FOR ENDOWMENTS
- 4.DEVI SUBHASHINI ANNE SC For Endowments

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 14765/2014****ORDER:**

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

“to Issue writ or order or direction particularly in the nature of writ of MANDAMUS by declare the Eviction Notice in R.C.No.A-1/1386/2009, Admn. Dated 09-05-2014 issued by the Assistant Commissioner, Endowments Department, Nellore, the 3rd Respondent herein, as illegal, void, without jurisdiction, and unjust in violation of principles of natural justice and Article 300-A of Constitution of India and set-aside the same in so far as the petitioner herein and pass such other order.”

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

3. Learned counsel for the petitioner submits that the petitioner is in possession and enjoyment of the house site in D.No.141 and 314 along with thirty eight others and the petitioner got constructed house thereon. While so, respondent No.3 issued eviction notice under Section 85(1) of the Andhra Pradesh Charitable And Hindu Religious Institutions And Endowments Act, 1987 (Act 30 of 1987), directing the petitioner and other encroachers for eviction, without following due process and without issuing any prior notice. He further submits that the petitioner is claiming ownership pursuant to the long standing possession over the subject property. Hence,

the petitioner cannot be evicted without following due process of law, in view of the amendments were took place, after issuance of the impugned eviction notice dated 09.05.2014.

4. On the other hand, learned Standing Counsel appearing for respondent No.4 submits that in the year 2014, respondent No.2 is the competent authority and quasi judicial authority for adjudication of title disputes between the temple and individual and also for eviction of the encroachments. In view of the authority conferred upon respondent No.2, the respondent No.2 had exercised its power and directed respondent No.3 to take steps for eviction of petitioner as well as thirty eight others in respect of land admeasuring to an extent of Ac.2.09 cents in D.No.141and 314 of Mypadu Gate, Nawabpet, Nellore City and Mandal. It is further submitted that in view of the interim direction of this Court, the respondents are unable to evict the petitioner from the land of the temple. In the meanwhile, Act 30 of 1987 was amended and conferred power of eviction to the Endowments Tribunal which was constituted in the year 2009 vide G.O.Ms.No.837 dated 13.08.2009. Thereafter, pursuant to the amendments made to Act 30 of 1987, the power was conferred upon respondent Nos.2 to 4 for adjudication of the disputes and for eviction of the encroachers if any by following procedure as contemplated.

5. Considering the submissions made by both the learned counsel and on perusal of the material placed on record, this Court is inclined to direct respondent Nos.2 to 4, if they intend to interfere or evict the petitioner from the subject land, they shall follow due process of law as per Act 30 of 1987 and Rules made thereunder.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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

19.02.2026
TPS

VENKATESWARLU NIMMAGADDA, J

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 14765/2014

19.02.2026

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