

[3332]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
WRIT PETITION NO: 33284 OF 2023



Between:

1. Kotta Yasomitra, S/o K.Satchidananda Murthy Aged about 74 years, Occ Agriculture, R/o D.No.4-5-29/101, Plot No. 101, 4/2 Vidyanagai, Amrutha Residency, Chandramouli Nagai, Guntur, Guntur District.
2. Kotta Krishna, S/o K.Satchidananda Murthy Aged about 72 years, Occ Retired Employee, R/o Flat No.304, D Block, VRR Vaibhavam, Opposite Balaji Cine Villa, Poranki, Vijayawada, NTR District - 521 137.

Petitioners

AND

1. The State of Andhra Pradesh, Represented by the Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati.
2. The State of Andhra Pradesh, Represented by its Principal Secretary, Endowments Department, Secretariat, Velagapudi, Amaravati.
3. The Deputy Commissioner, Endowments, O/o the Endowments Department, Naaz Center, Opp Gunta Ground, Kottapeta, Guntur District - 522 001.
4. The Assistant Commissioner Endowments, Naaz Center, Opp Gunta Ground, Kottapeta, Guntur District - 522 001.
5. The Executive Officer, Sri Sangameswara Swamy Temple, Sangam Jagariamudi, Tenali Mandal, Guntur District - 522 213.
6. Sri Sangameswara Swamy Temple, Sangam Jagarlamudi, Tenali Mandal, Guntur - District - 522 213.
7. The District Collector (Guntur District), Collectorate, Guntur District.
8. The Sub-Collector, Sub-Collectors Office, Tenali, Guntur District.
9. The District Revenue Officer, Collectorate, Guntur District.
10. The Tahsildar, Tenali West, Tenali, Guntur - District.

Respondents

WHEREAS the Petitioners above named through their Advocate Sri M R K CHAKRAVARTHY presented this 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 one in the nature of the Writ of Mandamus or Prohibition

(a) declaring the action of the Respondent Revenue Authorities in altering the Record of Rights (RoR) with name of the Respondent Sri Sanpmeswara Swamy Temple in respect of the Petitioners land ad-measuring Ac.0-91 Cents and Ac.0-82 Cents situated in RS No. 197/3 and 197/4 of Angalakuduru Village, Tenali Mandal, Guntur District without any proceedings, notice and affording an hearing to the Petitioners as illegal, arbitrary and violative of principles of natural justice and Articles 14, 19 and 300-A of the Constitution and in blatant violation of the provisions contained in Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 and consequently direct the Respondent Tahsildar to delete the name of Temple in the

RoR and to forthwith re-enter the names of the Petitioners against the aforesaid land in the Record of Rights

(b) declaring the entries made in the Register Maintained under Section 43 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 with respect to the Petitioners land ad-measuring Ac.0-91 Cents and Ac.0-82 Cents situated in RS No. 197/3 and 197/4 of Angalakuduru Village, Tenali Mandal, Guntur District as illegal, arbitrary and violative of principles of natural justice and Articles 14, 19 and 300-A of the Constitution and in blatant violation of the provisions contained in Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and consequently direct the Respondent Endowment Authorities to forthwith delete such entries in the Section 43 Register with respect to the Petitioners land.

(c) declaring the action of the Respondent Sub- Registrar in including the Petitioners land ad-measuring Ac.0-91 Cents and Ac.0-82 Cents situated in RS No. 197/3 and 197/4 of Angalakuduru Village, Tenali Mandal, Guntur District in the Register Maintained under Section 22A of the Registration Act, 1908 as illegal, arbitrary and violative of principles of natural justice and Articles 14, 19 and 300-A of the Constitution and in blatant violation of the provisions contained in the Registration Act, 1908 and consequently direct the Respondent Registrar to forthwith delete such illegal entries with Petitioners land in the Section 22A Register. respect to the

(d) Prohibit the Respondent Executive Officer from proceeding further in the Proceedings purportedly initiated under Section 83 (2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 pursuant to the Show- Cause Notices dated Nil and dated 14/11/2023 as being illegal, wholly without jurisdiction and consequently quash the proceedings.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri M R K CHAKRAVARTHY Advocate for the Petitioners and of Smt. P PADMAVATHI, Standing Counsel for Respondent Nos. 5 and 6, GP FOR ENDOWMENTS for Respondent Nos. 2 to 4, , GP FOR REVENUE for Respondent Nos. 1,7 to 10 directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, The State of Andhra Pradesh, Revenue Department, Secretariat, Velagapudi, Amaravati.
2. The Principal Secretary, The State of Andhra Pradesh, Endowments Department, Secretariat, Velagapudi, Amaravati.
3. The Deputy Commissioner, Endowments, O/o the Endowments Department, Naaz Center, Opp Gunta Ground, Kottapeta, Guntur District - 522 001.
4. The Assistant Commissioner Endowments, Naaz Center, Opp Gunta Ground, Kottapeta, Guntur District - 522 001.
5. The Executive Officer, Sri Sangameswara Swamy Temple, Sangam Jagariamudi, Tenali Mandal, Guntur District - 522 213.
6. Sri Sangameswara Swamy Temple, Sangam Jagarlamudi, Tenali Mandal, Guntur - District - 522 213.
7. The District Collector (Guntur District), Collectorate, Guntur District.
8. The Sub-Collector, Sub-Collectors Office, Tenali, Guntur District.
9. The District Revenue Officer, Collectorate, Guntur District.

10. The Tahsildar, Tenali West, Tenali, Guntur District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith(copy enclosed) this WRIT PETITION should not be admitted on or before 29.08.2022, on which date the case stands posted for hearing.

The Court made the following: ORDER
"Notice before admission.

Smt.P.Padmavathi, learned Standing Counsel takes notice on behalf of respondent Nos.5 & 6.

Smt.P.Rajini, learned Government Pleader for Endowments takes notice on behalf of respondent Nos.2 to 4.

Learned Government Pleader for Revenue takes notice on behalf of respondent Nos.1, 7 to 10.

Post on 03.01.2024."

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

For A.

SECTION OFFICER

To,

1. The Principal Secretary, The State of Andhra Pradesh, Revenue Department, Secretariat, Velagapudi, Amaravati.
2. The Principal Secretary, The State of Andhra Pradesh, Endowments Department, Secretariat, Velagapudi, Amaravati.
3. The Deputy Commissioner, Endowments, O/o the Endowments Department, Naaz Center, Opp Gunta Ground, Kottapeta, Guntur District - 522 001.
4. The Assistant Commissioner Endowments, Naaz Center, Opp Gunta Ground, Kottapeta, Guntur District - 522 001.
5. The Executive Officer, Sri Sangameswara Swamy Temple, Sangam Jagariamudi, Tenali Mandal, Guntur District - 522 213.
6. Sri Sangameswara Swamy Temple, Sangam Jagariamudi, Tenali Mandal, Guntur District - 522 213.
7. The District Collector (Guntur District), Collectorate, Guntur District.
8. The Sub-Collector, Sub-Collectors Office, Tenali, Guntur District.
9. The District Revenue Officer, Collectorate, Guntur District.
10. The Tahsildar, Tenali West, Tenali, Guntur District. (Addressess 1 to 10 by RPAD- along with a copy of petition and affidavit)
11. One CC to Sri. M R K CHAKRAVARTHY Advocate [OPUC]
12. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]

13. Two CCs to GP FOR ENDOWMENTS ,High Court Of Andhra Pradesh.
[OUT]
14. One CC to Smt. P PADMAVATHI, Standing Counsel [OPUC]
15. One spare copy.

psk

HIGH COURT

RCJ

DATED:28/12/2023

POST ON 03.01.2024

NOTICE BEFORE ADMISSION

WP.No.33284 of 2023

