

**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
IA No. 1 OF 2023**

IN

WP NO: 33284 OF 2023

[3332]



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

Counsel for the Petitioner : Sri M R K CHAKRAVARTHY

Counsel for the Respondent Nos. 1, 7 to 10 :GP FOR REVENUE

Counsel for the Respondent Nos. 2 to 5 :GP FOR REVENUE

Counsel for the Respondent No.6: Smt. P PADMAVATHI

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 stay all further proceedings pursuant to the Show Cause Notices dated "Nil" and 14/11/2023 in the in the Proceedings purportedly initiated under Section 83 (2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act,

1987 on the file of the Respondent Executive Officer, pending disposal of WP No. 33284 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

The Court made the following: ORDER

"Learned counsel for the petitioner submitted that the executive officer without having jurisdiction issued notice under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (in short the Endowments Act), thereby directed the petitioner to vacate from the subject property as the property is an private property and does not belong to the temple. If such notice is allowed to materialize, not only it affects the rights of the petitioners but also amounts to miscarriage of justice, as such, prayed to pass appropriate orders protecting the interests of the petitioners.

On the other hand, Smt.P.Rajini, learned Government Pleader for Endowments submits that by virtue of amendment to the petition, the Executive Officer has jurisdiction to issue notice. The petitioner has already submitted an explanation and the authority yet to pass final orders. If at all the petitioner is aggrieved by that order, he can always approach the concerned authority under the provisions of 83 (6) of the Endowments Act. There is no urgency for passing any interim orders at this stage. As such, sought time for filing a detailed counter.

Whether the Executive Officer has power to issue the said eviction notice and whether he can adjudicate the same or not, this Court has to adjudicate for which a detailed counter is required. However, to meet the ends of justice, this Court is inclined to pass the following order:-

"The Executive Officer may proceed with the enquiry and no orders shall be passed for a period of four (04) weeks."

//TRUE COPY//

A
For A

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR 124
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.
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9. The District Revenue Officer, Collectorate, Guntur District.
10. The Tahsildar, Tenali West, Tenali, Guntur District. (Addressess 1 to 10 by RPAD-)
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.

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HIGH COURT

RCJ

DATED:28/12/2023

POST ON 03.01.2024

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IN
WP NO: 33284 OF 2023

DIRECTION

