



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

[3458]

**THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 33665 OF 2025

Between:

- 1.KAMIREDDY BHASKARA RAO, S/O HARINADH BABU, AGED ABOUT 48 YEARS, OCC CULTIVATION R/O SRIRAMAVARAM VILLAGE, DENDLURU MANDAL ELURU DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, ENDOWMENTS DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.
- 2.THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOLLAPUDI, VIJAYAWADA, KRISHNA.
- 3.THE ASSISTANT COMMISSIONER, ENDOWMENTS DEPARTMENT ELURU DISTRICT.
- 4.SRI SITARAMA SWAMY TEMPLE, REP. BY ITS SINGLE TRUSTEE/EXECUTIVE OFFICER, SRIRAMAVARAM VILLAGE, DENDULURU MANDAL, ELURU DISTRICT.
- 5.THE TAHSILDAR, DENDULURU MANDAL ELURU DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

- 1.VENNA G SAI VENKAT

Counsel for the Respondent(S):

- 1.GP FOR REVENUE
- 2.GP FOR ENDOWMENTS

The Court made the following order:

Heard Sri Venna G Sai Venkat, learned counsel for the petitioner, learned Assistant Government Pleader for Endowments appearing for respondent Nos.1 to 3 & 5 and Smt. Pulipati Radhika, learned Standing Counsel for respondent No.4. With the consent of both the learned counsel, the writ petition is disposed of at the stage of admission.

2. The instant writ petition is filed challenging the proceedings of the 4th respondent issued under Section 83(2) of the Andhra Pradesh Charitable and Hindu Religious Act, 1987 (hereinafter referred to as 'the Act').

3. It is contended that the petitioner's grandfather had constructed a temple 100 years ago and endowed a property of an extent of Ac.5.69 cents in old R.S.Nos.160 and 161, corresponding to new R.S.Nos.170 and 171 vide Registered Document No.643/1919 in favour of the temple. The petitioner's family has ensured that the deity's day-to-day rituals, namely Nithya, Dhoopa, Deepa and Naivedyam are performed. The Endowment authorities have issued proceedings notifying under Section 6(c)(ii) of the Act vide proceedings dated 26.04.2021. The petitioner filed writ petition vide W.P.No.28588 of 2021, challenging the proceedings dated 26.04.2021. This Court *vide* order dated 31.01.2022, set aside the said proceedings, directing the Commissioner to issue notice to the petitioner and to follow due procedure under the Act, viz., causing publication of the notice in the newspapers, before the temple is registered under the provisions of the Act.

4. It is contended that, however, the respondents have issued impugned proceedings under Section 83 of the Act calling for explanation/objections of the petitioner. In pursuance thereof, the petitioner has submitted his objections; however, the impugned proceedings have been passed.

5. It is further contended that the earlier action of the respondents in proposing to conduct an auction in respect of the subject properties, the petitioner herein has filed a writ petition and the same is the subject matter of W.P.No.4244 of 2025, and the same is pending for adjudication.

6. In the backdrop of these facts, it is contended that the impugned proceedings are unsustainable and the petitioner(s) cannot be treated as an encroachers within the meaning of Section 83 of the Act.

7. Smt. Pulipati Radhika, learned Standing Counsel for respondent No.4, argues that pursuant to the order of this Court in W.P.No.28588 of 2021, after following due procedure, the proceedings were issued registering the temple under Section 43 of the Act and the subject properties have also been registered as lands belonging to the deity/temple, and mutations have been effected in the revenue records. In such an event, the petitioner cannot claim any right or title to the subject properties and further argued that against the impugned order an appeal lies under Section 83(6) of the Act before the Endowment Tribunal.

8. Having regard to the fact that as against the impugned proceedings there is an effective alternative remedy of appeal under Section 83(6) of the

Act, the petitioners should avail the said remedy available under the provisions of the Act.

9. Having regard to the contentions advanced, this Court deems it appropriate to dispose of the writ petition, granting liberty to the petitioner to approach the Tribunal under the provisions of the Act to avail the remedy of appeal under Section 83(6) of the Act.

10. Learned counsel for the petitioner seeks suspension of the impugned proceedings till the petitioner approaches the Tribunal. The petitioner is at liberty to file an interlocutory application before the Tribunal seeking suspension of the impugned proceedings, pending disposal of the O.A.

11. In case such an interlocutory application is filed, the Tribunal shall consider and pass appropriate orders as expeditiously as possible, not later than four weeks from the date of filing of such interlocutory application, after giving due opportunity of hearing to both parties.

12. Accordingly, the Writ Petition is disposed of. No order as to costs.

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

JUSTICE KIRANMAYEE MANDAVA

Date: 04.12.2025
BSK

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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