APHC010196422026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-15
[3584]

WRIT APPEAL NO: 421 of 2026

Raja Enterprises ...Appellant

Vs.

Durai Enterprises and Others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 10th August 2026

Present:

Advocate for Appellant: MR. V V N NARAYANA RAO

Advocate(s) for Respondent(s): GP FOR ENDOWMENTS,
DEVI SUBHASHINI ANNE SC
For Endowments,
MR.C SUBODH

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JUDGMENT: (per Hon'ble Sri Justice Challa Gunaranjan)

Present intra-Court appeal is preferred assailing the interim order, dated 02.04.2026, in W.P.No.6692 of 2026, passed by learned Single Judge, by which advocate-commissioner has been appointed with certain specific directions.

2. Aggrieved by the very appointment of advocate-commissioner, appellant, 4th respondent in writ petition, preferred present appeal.

3. 1st respondent herein filed writ petition questioning the action of respondents 2 to 4 in cancelling on-line tender of writ petitioner and other bidders in pursuance to notification, dated 02.03.2026, concerning grant of leasehold rights for collection of human hair at 3rd respondent Devasthanam for the period from 01.04.2026 to 31.03.2027 and consequently, to direct respondents 2 to 4 to evaluate the bid documents of writ petitioner and others. It is stated that the initial tender notification merely envisaged submission of bid documents on e-procurement platform, which the 1st respondent complied with. However, subsequently, proceedings were issued stating that bidding would be conducted through e-tender, sealed tender and open auction, therefore, all the bidders were required to not only submit bid documents through e-procurement platform, but also to submit physically by way of sealed tender with the 4th respondent. Therefore, when the 1st respondent tried to submit the sealed tender physically, it was prevented from doing so, and so also the other bidders could not submit tenders physically. In that view of the matter, as respondents 2 to 4 were not considering the bids of 1st respondent as well as others for having not submitted sealed tenders physically, preferred writ petition.

4. Having regard to submissions advanced before the learned Single Judge, by impugned order, advocate-commissioner has been appointed to note down whether 1st respondent/writ petitioner was prevented by the temple authorities from submitting physical bid documents. Further, Superintendent of Police, Kurnool and jurisdictional Revenue Divisional Officer were directed to assist the advocate-commissioner by providing necessary help in the process of conducting enquiry. The advocate-commissioner has been directed to execute the warrant on or before 23.04.2026, after notice to the parties in the writ petition and submit report before the next date of hearing. The writ petition has been posted to 28.04.2026. Challenging the said order, present appeal is preferred.

5. This Court stayed the operation of impugned order pending the appeal vide order, dated 16.04.2026. However, it was made clear that the same would not prevent learned Single Judge in proceeding with and deciding the writ petition.

6. Heard Mr.V.V.N. Narayana Rao, learned counsel for appellant, and Mr. C.Subodh, learned counsel for 1st respondent-writ petitioner.

7. Today, we have been informed that in pursuance to the directions of learned Single Judge, advocate-commissioner has

executed the warrant on 15.04.2026, a day before passing of interim orders in the present appeal. Learned advocate-commissioner also submitted report on 20.04.2026 before learned Single Judge, in spite of staying the operation of impugned order.

8. Learned counsel for appellant mainly contended that the directions issued under impugned order being investigative in nature, the writ Court is not justified in traversing to that extent which would be beyond the scope of enquiry under writ petition.

9. However, learned counsel for 1st respondent-writ petitioner tried to support the impugned order by contending that based on the submissions advanced and considering the material on record, learned Single Judge rightly, while appointing advocate-commissioner, directed to verify as to whether 1st respondent-writ petitioner was prevented from submitting bid documents in physical form and thus, pleaded for dismissal of the appeal.

10. In order to test the submissions advanced by both learned counsels for the parties, it is apt to refer to the directions issued in the impugned order, and they read as follows:

> "i) Mr. S. Karunakar (7518), D.No.5-218, Mukkapati Nagar, Nandigama, NTR District (Mobile: 8143957848) is appointed as an Advocate Commissioner to note down whether the petitioner was

really prevented by the 3rd respondent temple authorities from submitting the physical documents or not?;

(ii) The Superintendent of Police, Kurnool, shall assign an officer not below the rank of Deputy Superintendent of Police to assist the Advocate Commissioner. The jurisdictional Revenue Divisional Officer is also directed to extend necessary assistance to the learned Advocate Commissioner in conducting the enquiry.

(iii) The learned Advocate Commissioner shall execute this warrant on or before 23.04.2026, after issuing prior notice to both the petitioner and respondents. The petitioner as well as the respondents are directed to cooperate with and assist the Advocate Commissioner as required.

(ii) Learned Advocate Commissioner shall submit his report before the next date of hearing;

(iii) Learned Advocate Commissioner's fee is fixed at Rs.50,000/- (Rupees Fifty Thousands only) to be paid by the petitioner only and additional expenditure of transport, suitable accommodation and other incidental expenses by the petitioner;

(iv) The petitioner shall provide a Innova Crysta car for comfortable transportation of the learned Advocate Commissioner on the dates of executing warrant.

(v) Registry is directed to serve copy of this order to the learned Advocate Commissioner by 04.04.2026.

Post the matter on 28.04.2026."

11. As can be seen from the pleadings on record, it is the case of 1st respondent/writ petitioner that when they tried to submit bid documents physically on 06.03.2026 at the office of 3rd respondent temple, they were prevented from doing so and were not even allowed to enter the temple. Further, apart from the 1st respondent,

even three other participants were not allowed to submit sealed tenders physically.

12. That being the case, now learned Single Judge has directed the advocate-commissioner to note down whether the 1st respondent was prevented by the temple authorities or others from submitting the tender documents physically. Obviously, the exercise to be undertaken by advocate-commissioner is in the realm of investigative jurisdiction, as he would try to gather facts, information, material and evidence to ascertain whether any such incident happened on 06.03.2026. While exercising jurisdiction under Article 226 of the Constitution of India, the writ Court, no doubt, would have wider powers and it is not strange in appointing advocate-commissioner for recording the physical features or overseeing a particular aspect at that moment, but appointing an advocate-commissioner to gather material by investigating into the issue, in our considered view, is in the nature of conducting investigation into a particular incident occurred in the past, which is impermissible.

13. Accordingly, writ appeal is allowed, setting aside the impugned order of learned Single Judge. We would further clarify that the writ petition shall be heard and decided on merits without reference to the

report, dated 20.04.2026, submitted by the advocate-commissioner. No order as to costs.

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

LISA GILL, CJ **CHALLA GUNARANJAN, J.**

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