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

FRIDAY, THE TWENTY NINETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

HON'BLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 6532 OF 2022

Between:

Bhumireddy Subbarayudu, S/o. Pichaiah, Aged 49 years, Occ. Ex-Chairman, Sri Madhava and Anjaneya Swamy Temple, R/o. D.No. 9/289, Nandyala Road, S.Mydukur Village, Mydukur Mandal, Kadapa-516175.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.
3. The Deputy Commissioner, Endowments Department, Kurnool, Kurnool District.
4. The Assistant Commissioner, Endowments Department, Kadapa, YSR Kadapa District.
5. Sri Madhava and Anjaneya Swamy Temple, N.Mydukur Village, Mydukur Mandal, YSR Kadapa District, Rep. by its Executive Officer.
6. Sri Bala Siva Yogendra Maharaj, President Sri Bala Siva Universal, Peace Foundation Degree College, Mydukur, YSR Kadapa District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed 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 Writ of Mandamus declaring the orders of 2nd respondent in Lr.In.Rc.No.M1/COE-19027(35)/22/2020 dated 15.02.2022, directing to delete the land to an extent of Ac.16.94 cents in Survey No.1943/B of N.Mydukur, Mudukur Mandal YSR Kadapa District from the prohibitory list maintained under section 22(A) 1(C) of the Registration Act, as being bad, illegal, contrary to the provisions of A.P. Charitable and Hindu Religious Institutions and Endowments Act 1987, besides offending Articles 14, 25 and 26 of Constitution of India and consequentially to set aside the same.

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of order of 2nd respondent in Lr.In.Rc.No.M1/COE-19027(35)/22/2020 dated 15.02.2022, directing to delete the land to an extent of Ac.16.94 cents in Survey No.1943/B of N.Mydukur, Mudukur Mandal YSR Kadapa District from the prohibitory list, pending disposal of the Writ Petition.

IA NO: 2 OF 2022

Between:

The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.

...PETITIONER/2ND RESPONDENT

AND

1. Bhumireddy Subbarayudu, S/o. Pichaiah, Aged 49 years, Occ. Ex-Chairman, Sri Madhava and Anjaneya Swamy Temple, R/o. D.No. 9/289, Nandyala Road, S.Mydukur Village, Mydukur Mandal, Kadapa-516175.

...RESPONDENT/PETITIONER

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.

3. The Deputy Commissioner, Endowments Department, Kurnool, Kurnool District.

4. The Assistant Commissioner, Endowments Department, Kadapa, YSR Kadapa District.

5. Sri Madhava and Anjaneya Swamy Temple, N.Mydukur Village, Mydukur Mandal, YSR Kadapa District, Rep. by its Executive Officer.

6. Sri Bala Siva Yogendra Maharaj, President Sri Bala Siva Universal, Peace Foundation Degree College, Mydukur, YSR Kadapa District.

...RESPONDENTS/ RESPONDENTS

(Respondents R2 to R6 not necessary parties)

Petition under Section 151 CPC is filed 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 of status quo granted in I.A.No.1/2022 in WP.NO.6532/2022, dated 16.03.2022 and dismiss the main Writ Petition as devoid of merits.

IA NO: 3 OF 2022

Between:

Sri Bala Siva Universal, Peace Foundation, Rep. by its Founder & President, H.No.4-3-197, Raja Kandaswamy Lane, Sultan Bazar, Hyderabad, Telangana State.

...PETITIONER/RESPONDENT NO.6

AND

1. Bhumireddy Subbarayudu, S/o. Pichaiah, Aged 49 years, Occ. Ex-Chairman, Sri Madhava and Anjaneya Swamy Temple, R/o. D.No. 9/289, Nandyala Road, S.Mydukur Village, Mydukur Mandal, YSR Kadapa.

...RESPONDENT/WRIT PETITIONER

2. State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.

3. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.

4. The Assistant Commissioner, Endowments Department, Kadapa, YSR Kadapa District.

5. Sri Madhava and Anjaneya Swamy Temple, N.Mydukur Village, Mydukur Mandal, YSR Kadapa District, Rep. by its Executive Officer.

...RESPONDENTS/ RESPONDENTS 1 TO 5

Petition under Section 151 CPC is filed 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.16.03.2022 passed in W.P.No.6532/2022 as extended from time-to-time.

IA NO: 1 OF 2023

Between:

Sri Madhava and Anjaneya Swamy Temple, N.Mydukur Village, Mydukur Mandal, YSR Kadapa District, Rep. by its Executive Officer.

...PETITIONER/RESPONDENT NO.5 IN WP NO.6532

AND

1. Bhumireddy Subbarayudu, S/o. Pichaiah, Aged 49 years, Occ. Ex-Chairman, Sri Madhava and Anjaneya Swamy Temple, R/o. D.No. 9/289, Nandyala Road, S.Mydukur Village, Mydukur Mandal, Kadapa-516175.

...RESPONDENT/PETITIONER IN WP NO.6532 OF 2022

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.

3. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.

4. The Deputy Commissioner, Endowments Department, Kurnool, Kurnool District.

5. The Assistant Commissioner, Endowments Department, Kadapa, YSR Kadapa District.

6. Sri Bala Siva Yogendra Maharaj, President Sri Bala Siva Universal, Peace Foundation Degree College, Mydukur, YSR Kadapa District.

...RESPONDENTS/ RESPONDENTS

Petition under Section 151 CPC is filed 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 orders dated 16-03-2022 in IA.No. 6532 of 2022 on the ground of devoid of merits in the interest of justice.

Counsel for the Petitioner: SRI V VENUGOPAL RAO, SENIOR COUNSEL REPRESENTING SRI VENKATASUBBAIAH V

Counsel for the Respondent Nos. 1 to 4: GP FOR ENDOWMENTS

Counsel for the Respondent No. 5: SRI G RAMANA RAO (SC FOR ENDOWMENTS)

Counsel for the Respondent No. 6: SRI P VEERA REDDY, SENIOR COUNSEL REPRESENTING SMT. SODUM ANVESHA

The Court made the following: ORDER

APHC010108602022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3310]**
(Special Original Jurisdiction)

FRIDAY ,THE TWENTY NINETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 6532/2022

Between:

Bhumireddy Subbarayudu **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. VENKATASUBBAIAH V

Counsel for the Respondent(S):

1. G RAMANA RAO (SC FOR ENDOWMENTS RAYALASEEMAREGION)
2. GP FOR ENDOWMENTS
3. SODUM ANVESHA

The Court made the following:

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

> "..... to issue a Writ Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the orders of 2nd respondent in Lr.In.Rc.No.MI/COE19027(35)//22/2020 dated 15.02.2022 directing to delete the land to an extent of Ac 16.94 cents in Survey No.1943/B of N.Mydukur Mudukur Mandal, YSR Kadapa District, from the prohibitory list maintained under section 22(A) 1(C) of the Registration Act as being bad, illegal, contrary to the provisions of A P Charitable and Hindu Religious Institutions and Endowments Act 1987 besides offending

Articles 14, 25 and 26 of Constitution of India and consequentially to set aside the same and to pass...."

2. Brief facts of the case are that the petitioner is the resident of S.Mydukur, and he is the strong devotee of 5th respondent temples situated at N.Mydukur village. The petitioner was appointed as trustee vide Proc.No.B2/11389/2019/Adm, dated 28.01.2020 of 3rd respondent and was elected as Chairman vide resolution dated 05.02.2020 for the 5th respondent temple and discharged his duties as Chairman for a period of two years, as such he comes within the definition of person having interest as provided under section 2(18) of Endowments Act 1987 and competent to represent the present cause. It is stated that the Government had issued G.O.Ms.No.1322 Revenue (Endowment .IV) Department dated 17.09.1982, according permission to sell the lands belonging to 5th respondent admeasuring Acs.16.94 cents situated in Survey No. 1943/B of Mydukur taluk, Kadapa District in favour of 6th respondent for construction of buildings to run Bala Siva Universal Peace Foundation Degree College at Mydukur, for a sum of Rs.1,50,000/- by private negotiations. The said G.O. was issued by exercising powers under section 74 (1) (c) of Endowments Act 17 of 1966. It is stated that, the Government has issued Memo No.31922/Endts.II (1)/2004, dated 10.02.2005 proposing to cancel the G.O. allotting the lands in favour of 6th respondent as the allottee committed breach of the purpose for which it was allotted on concessional price by private negotiations being charitable purposes. It is noticed by the office of the District Collector that the allotment

made in favour of the college was misused by alienating, creating fake documents in favour of Kith and Kin being binami vide proceedings reference No.B3/5722/93 dated 27.04.1995 of the District Collector, proposed to take initiation for resumption and for other proceedings.

While so, it appears that the 6th respondent has made an application to delete the subject lands from prohibitory list maintained under section 22A (1) (C) of Registration Act, and on such application, the 2nd respondent issued proceedings in Lr.In.Rc.No.M1/COE- 19027(35)/22/2020 dated 15.02.2022, directing to delete the subject land in Survey No. 1943/B admeasuring Acs. 16.94 cents of N. Mydukur Village. Questioning the same, the present writ petition came to be filed.

3. The Counter affidavit has been filed by the respondent No.2. While denying all the allegations made in the petition, inter alia, contended that, the 6th respondent quite detrimental to the terms and conditions stipulated at the time of sale of the land in question and thus violated the conditions imposed for the very purpose of alienation of land and sold away some portion of the land to other persons, quite against the aims and objects of the trust. The total extent of land in possession of the trust is only Ac.2.00 cts in which College Building was constructed and the remaining extent of the land has been sold away by him to 1) Thota Kailasa Giriswar an extent Ac.6.00 cts vide Document No.1830/1985, 2) Thota Venkata Lakshmamma an extent Ac.6.00 cts vide Document No. 7960/85, dated 24.10.1985 and 3) Thota Mohana Shankaru Maharaj an extent Ac.4.00 cts vide Document No.8203/85, dated

31.10.1985. Thereupon, the Government issued Show Cause Notice vide Memo No.31922/Endts.- II(1)/2004-3, dated 10.02.2005 to 6th respondent calling him to submit explanation in writing within 15 days from the date of receipt of Show Cause Notice and if no reply is received within the stipulated period, it will be considered as no explanation from him and further action will be taken by the Government. Later, the 6th respondent herein filed W.P.No.4634/2006 challenging the Government Memo and to declare that he did not violate any conditions of G.O.Ms.No.1322, dated 17.09.1982 or sale deed dated 04.10.1982 and the said writ petition was allowed vide order dated 31.03.2016 setting aside the Government Memo Dt.10.02.2005 and the respondents therein are restrained from taking any action against writ petitioner therein. The Government has withdrawn its earlier Memo dated 10.02.2005 vide Memo No.Revenue-01/Endw/461/2019- Endts-II(2), dated 7.2.2020 as no grounds to prefer an appeal against judgment in W.P.No.4634/2006, dated 31.3.2016. It is further stated that, since the subject land was included in the prohibitory list U/Sec.22A(1)(c) of the Registration Act, the 6th Respondent herein made representation dated 7.2.2020 with a request to delete land in Sy.No.1943/B an extent Ac.16.94 cents at N.Mydukuru (V) from the prohibitory list. The 2nd Respondent herein after receiving report from 4thRespondent and on examination of the record, issued order vide Lr. in Rc.No.M1/COE-19027(35)/22/2020, dated 15.02.2022 ordered to delete land in Sy.No.1943/B an extent Ac.16.94 cents at N.Mydukuru (V) from the prohibitory list and communicated to the same to the

concerned Registration and Stamps Department Authorities. The order passed by the 2nd Respondent dated 15.02.2022 is a speaking order with reasons and issued in view of directions of Hon'ble High Court in common order in W.A.No.343/2015 and batch dated 23.12.2015. As such it is a valid one. It is further stated that the petitioner without challenging the same, filing this writ petition without any valid material, contrary to the orders of the 2nd Respondent. Therefore there are no valid grounds to consider the case of the petitioner and hence this writ petition is liable to be dismissed.

4. The counter affidavits have been filed by respondents No.2 and 5 reiterating the averments made in the counter affidavit filed by the 2nd respondent. Whereas, the counter affidavit has been filed by the respondent No.6, wherein, while reiterating the contents made in the counter affidavit filed by the respondents No.2 and 5, contended that, they never intended to surrender the assets of the Degree College to the Government in pursuance of G.O.RT.No.228 Higher Education (CE.A2) Department, dt.1.9.2021. Only a few Aided Teaching and Non- Teaching Posts were proposed to be surrendered in view of mounting pressures put on the Degree College Management for expressing the willingness. The 6th Respondent is continued with the other available unaided Teaching and Non- teaching Staff by payment of salary from the resources of funds of this respondent. A false allegation is concocted and made as if their entire college with all its assets would be absorbed by the State Government. It was neither their intention nor the intention of the State Government for securing an ex-parte interim order, the

facts are twisted and presented in such a way as if their entire college would be taken over by the Government. Moreover, through subsequent Cir.Memo.No.1072635/CE/A1/2020, dt.12.11.2021, the State Government provided an opportunity to all those institutions to reconsider the option given earlier for withdrawal of willingness and to seek repatriation of Teaching and Non-Teaching Staff. Through its Letter, dt.15.11.2021 they have withdrawn their willingness given earlier. Consequently, the Commissioner of Collegiate Education through proceedings Rc.No.80/OP.1/2021-2, dt.16.11.2021 accepted their letter of withdrawal of willingness and repatriated the Teaching and Non-Teaching Staff back to their college and therefore the college is running as Aided College. While only a few of them filed a Writ Petition before this Hon'ble Court questioning the repatriation, majority of them have come back to Degree College and rendering their services once again. Hence, the Writ Petition itself is filed on imaginary grounds and concocted allegations. Hence, the Writ Petition is liable to be dismissed with exemplary costs.

5. This Court, vide order, dated 16.3.2022, has granted interim direction as under :

".....Status quo obtaining as on today shall be maintained in all respects by both the parties, for a period of eight weeks."

6. Heard Mr. V. Venuogpal Rao, learned Senior counsel, representing Mr.Venkatasubbaiah.V, learned counsel for the petitioner; learned Assistant Government Pleader for Endowments appearing for official respondents and

Mr. P.Veera Reddy, learned Senior Counsel, representing Ms. Sodum Anvesha, learned counsel for the unofficial respondents.

7. On hearing, learned Senior counsel appearing for the petitioner while reiterating the averments made in the petition, contended that, the Government had issued G.O.Ms.No.1322 Revenue (Endowment .IV) Department dated 17.09.1982, according permission to sell the lands belonging to 5th respondent admeasuring Acs.16.94 cents situated in Survey No.1943/B of Mydukur taluk, Kadapa District in favour of 6th respondent for construction of buildings to run Bala Siva Universal Peace Foundation Degree College at Mydukur, for a sum of Rs.1,50,000/- by private negotiations. The said G.O. was issued by exercising powers under section 74 (1) (c) of Endowments Act 17 of 1966. He further submits that the Government has issued Memo No.31922/Endts.II (1) /2004 dated 10.02.2005 proposing to cancel the G.O. allotting the lands in favour of 6threspondent as the allottee committed breach of the purpose for which it was allotted on concessional price by private negotiations being charitable purposes. It is noticed by the office of the District Collector that the allctment made in favour of the college was misused by alienating, creating fake documents in favour of Kith and Kin being binami vide proceedings reference No.B3/5722/93 dated 27.04.1995 of the District Collector, proposed to take initiation for resumption and for other proceedings. It shall not be disposed/utilized for any other purposes with prior approval of government. In view of the same it is mandatory to continue prohibition as there is likelihood of transfer of such property, particularly since

the property is an Endowed property the deletion cannot be accorded in favour of 6th respondent. He further submits that in pursuance of the order under challenge, there is likelihood of alienating the subject land by the 6th respondent since it is intended for that purpose. In such a case the temple functioning with poor economy will be put to suffer and the interest of third parties is being created, as such, it is just and necessary to suspend the operation of impugned proceedings.

Learned Senior Counsel further submits that, in similar circumstances, when there was an order of Commissioner, Endowments, deleting the land to an extent of Ac 2.00 cents each in Sy.No.998/C and D of Old Guntur Revenue Village, Guntur town, form the list ofprohibitory properties maintained under Section 22A(1)(c) of Registration Act 1908, there was a challenge in WP (PIL) No.70/2022 with regard to competence, the Hon'ble Division Bench disposed of the said writ petition while setting aside the impugned order of deletion dated 09.0.2022, leaving it open to pursue remedy under Section 45 read with Section 87 of Endowments Act. Therefore, the facts of the present case are also applicable to the above judgment. Therefore, learned counsel requests this Court to pass appropriate orders.

8. *Per contra*, learned Government Pleader for Endowments reiterated the contents made in the counter affidavit. Whereas, learned Senior counsel for the respondents also reiterated the contents made in the counter affidavits filed by the respondents.

9. To support his contentions, learned Senior counsel for the respondents has placed reliance on a catena of decisions reported in (i) **Syndicate Bank, Bangalore; Gas Authority of India Limited, Bangalore; Bangalore Development Authority Kumara Park West, Bangalore vs. M/s ManyathaResidents Association and others**[1], wherein the High Court of Karnataka (DB) held in Paras 44, 45, 46, 48,53 and 62 as under:

> *[44] The term "locus standi" or "standing to sue" denotes the existence of a right an individual or group of individuals to have a Court enter upon adjudication on an issue brought before that Court by proceedings instituted by the individual or the group of persons. The question of locus standi assumes importance when petitions are filed by incompetent persons. Ordinarily, a writ petition can be filed by a person aggrieved and not by a stranger except in public interest litigation and in the case of a writ of quowarranto.*
>
> *[45] Article 226 of the Constitution does not lay down as to who are the persons entitled to invoke the jurisdiction of the High Court under that Article. The question of locus standi has been decided from time to time in a large number of cases. Generally, individual person or a group of persons aggrieved by any action or inaction on the part of the State or its Authorities can institute a writ petition under Article 226 of the Constitution on the premise that, there is an infringement of their right or they have been prejudicially affected by any order. Thus, the right which is the foundation for exercising the jurisdiction under Article 226 of the Constitution is the personal or individual right of the petitioner himself, though in the case of writs like, habeas corpus or quo-warranto, this rule stands modified.*
>
> *[46] But, in the case of issuance of a writ of mandamus, so as to compel the Authorities to do something, it must be shown that the statute imposes a legal duty and the aggrieved party has a legal right under the statute to enforce its performance. But, where no right of the petitioner is affected, such a person has no locus standi to file the writ petition. Thus, no person can ask for a mandamus without a legal right. There must be a judicially protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by someone who has a legal duty to do something or abstain from doing something. Existence of the right is implicit for the exercise of the extraordinary jurisdiction by the High Court under Article 226. For instance, a rival in a trade has no locus standi to challenge the grant of licence to other trader on the ground that the licence was granted illegally or suffers from defect of jurisdiction, vide J.M.Desai vs. Roshan Kumar, 1976 AIR(SC) 578, (J.M.Desai); Nagpur Rice and Flour Mills vs. Teekappa Gowda and Brothers, 1971 AIR(SC) 246 (Nagpur Rice and Flour Mills). In J.M.Desai, provisions of Bombay Cinemas Registration Act, 1953 and the Bombay Cinema Rules, 1954...*
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> *[48] The principle of standing or locus standi in all public interest litigation if applied to individual standing, it would result in destroying the time-tested concept of "standing" which has authority in India from the Anglo Saxon Jurisprudence as well as American Law Jurisprudence. This means that, the requirement of injury is a test to be applied for having*

[1] 2021 LawSuit(Kar) 302

locus standi to file a petition under Article 226 of Constitution unless it is a public interest litigation. Thus, there is a need to regulate in the context of individual standing and a careful consideration of the case must be made in order to examine and appreciate as to whether the person is aggrieved. Such an examination is required in order to avoid frivolous litigation being flooded to the High Court, thereby driving away..

[53] But, in India, such statutory provision is absent. In fact, the "person aggrieved" concept is the foundation for a writ petition being filed in a personal or individual capacity. That means a person who has suffered legal grievance who has right under a statute and he would thus be a person aggrieved.

62. The above is in contra-distinction to a petition filed purely in public interest. In the case of public interest litigation, the petitioners would have no personal or individual interest in the subject matter of the petition. It is filed purely in public interest so as to secure justice for those who cannot approach the Court or in order to assail an illegal action initiated by the Government, its agencies or instrumentalities. In such a case, doctrine of locus standi is relaxed and the same is for the purpose of bringing to the notice of the High Court (or Supreme Court under Article 32 of the Constitution) for securing justice, in the realm of enforcement of fundamental rights, constitutional rights, or other legal rights for the benefit of those persons who are not in a position to approach the Constitutional Courts and in the larger interest of the general public. In all other cases, where a writ petition is filed under Article 226 of the Constitution, for enforcement of a fundamental right or any legal right, such a petitioner must have a locus standi to do so by demonstrating that there is a legal wrong done to him by violation of his right and therefore, being an aggrieved person, has the right to file the writ petition and not otherwise.

(ii) In **Raviyashwant Bhoir versus District Collector, Raigad, and others**[2], wherein the Hon'ble Supreme Court held that :

44. Shri Chintaman Raghunath Gharat, Ex-President was the complainant, thus, at the most, he could lead the evidence as a witness. He could not claim the status of an adversial litigant. The complainant cannot be the party to the lis. A legal right is an averment of entitlement arising out of law. In fact, it is a benefit conferred upon a person by the rule of law. Thus, a person who suffers from legal injury can only challenge the act or omission. There may be some harm or loss that may not be wrongful in the eyes of law because it may not result in injury to a legal right or legally protected interest of the complainant but juridically harm of this description is called damnum sine injuria. The complainant has to establish that he has been deprived of or denied of a legal right and he has sustained injury to any legally protected interest. In case he has no legal peg for a justiciable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer a locus standi to sue upon the individual. There must be injuria or a legal grievance which can be appreciated and not a stat pro ratione valuntas reasons i.e. a claim devoid of reasons. Under the garb of being necessary party, a person cannot be permitted to make a case as that of general public interest. A person having a remote interest cannot be permitted to become a party in the lis, as the person wants to become a party in a case, has to establish that he has a proprietary right which has been or is threatened to be violated, for the reason that a legal injury creates a remedial right in the injured person.

[2] (2012) 4 Supreme Court Cases 407

(iii) In **Vinoy Kumar versus State of U.P and others**[3], wherein the Hon'ble Supreme Court held that :

> Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas- corpus or quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason or poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.

10. Perused the material available on record.

11. As seen from the impugned order dated 15.02.2022 of 2nd respondent, wherein it is observed that one Sri Bala Siva Yogindra Maharaj, President of Sri Bala Siva Yogindra Maharaj, President of Bala Siva Universal Peace Foundation, Hyderabad has requested to remove the lands in Sy No.1943/B admeasuring Ac 16.94 cts situated at N.Mydukur, Mydukur (M), Y.S.R. Kadapa (Dist) from 22 A (1)(C) of Prohibited properties.

12. It is also observed that , as per encumbrance certificate No.1256/2019, the land in Sy.No.1943/B extent Ac.16.94 cents is in the name of Sri.Bala Siva Yogindra Maharaj for the period January 1980 to 12-03-1984. The Government of Andhra Pradesh, Revenue (Endowments.II) Department has issued notice for cancellation of G.O. Issued in G.O.Ms.No.1322 Revenue

[3] (2001) 4 Supreme Court Cases 734

(Endowments-IV) dt:17-09-1982 vide in Memo No.31922/Endts. II(1)2004-3 dt:10-02-2005. Questioning the same, Sri.Bala Siva Yogindra Maharaj has filed W.P.No.4634/2006 before High Court, A.P., Hyderabad and obtained the interim orders. Meanwhile, these lands are entered in 22(A)(1)(C) in the year 2008, 2014 and 2016. While so, the Government of Andhra Pradesh, Revenue (Endowments.II) Department has withdrawn the orders issued in Govt. Memo No.31922/Endts.II(1)/2004 dt:10-02-2005 with instructions to the Commissioner, Endowments Department, A.P., Amaravathi, Gollapudi, Vijayawada to take necessary action in the matter It is further observed that, the Village Revenue Officer, Mydukur-I has stated that the land Sy.No.1943/B extent Ac.16.94 cents is under possession of Sri.Bala Siva Yogendra Maharaj of Sri.Bala Siva Universal Peace Foundation, Rajakanda Swamy Gardens, Hyderabad it was purchased in 1982 from Endowments Department and also registered in 1982 and requested to issue NOC to the lands since they were sold long back and registered in favour of highest bidder. Thereafter, the matter was examined in detail and it is requested to delete the land in Sy No.1943/B with an extent of Ac 16.94 cts situated at N.Mydukur, Mydukur (M) Y.S.R Kadapa District from the prohibition list.

13. As seen from the order of a learned Division Bench of this Court passed in WP (PIL) No.70 of 2022 dated 29.03.2023, wherein this Court observed that :

> By filing an additional counter-affidavit dated 28.03.2023, the Commissioner of Endowments has stated that the communication/order under challenge has been kept in abeyance pending disposal of this writ petition, vide orders in Rc.No.19022(35)/6/2020 dated 20.03.2023, and the registration authorities are requested to continue the lands covered by Sy.No.998/B, C, D & E to an extent of

Ac.2.00 cents each at Old Guntur, Guntur, in the prohibitory list maintained under Section 22A(1)(c) of the Act of 1908, till further orders. It is further categorically stated that once an entry is made in the register maintained under Section 43 of the Act of 1987, the remedy available for the aggrieved party is to approach the A.P. Endowments Tribunal, and, therefore, the 8th respondent herein, who is the applicant before the Commissioner for deletion of property in question from the list of prohibited properties maintained under Section 22A(1)(c) of the Act of 1908, has to approach the A.P. Endowments Tribunal, invoking Section 87 read with Section 45 of the Act of 1987. The Commissioner has sought permission of this Court to withdraw his earlier affidavit filed on 20.07.2022.

7. Mr. V. Venugopala Rao, learned senior counsel appearing for respondent No.8, by referring to Sections 92 and 93 of the Act of 1987, tried to impress upon this Court that under the said provisions, the Commissioner of Endowments has suo motu power to call for records and pass appropriate orders in relation to any order passed under the Act of 1987.

8. However, on a plain reading of the provisions contained in Sections 92 and 93 of the Act of 1987, it is evident that such power is available to the Commissioner only when no suit, appeal or application or reference to a Court is provided under the said Act. Once the entry in the register maintained under Section 43 of the Act of 1987 is open for correction in proceedings under Section 45 read with Section 87 of the Act of 1987, the jurisdiction under Sections 92 and 93 of the Act of 1987 is not available to the Commissioner. 9

. In view of this legal position and since admittedly, the remedy available to the aggrieved party for deletion of an entry in the register of properties maintained under Section 43 of the Act of 1987 prohibited for registration under Section 22A(1)(c) of the Act of 1908, is to approach the Endowments Tribunal under Section 45 read with Section 87 of the Act of 1987, we are of the considered opinion that the impugned communication/ order cannot be sustained.

14. Upon perusing the entire material on record and on hearing th submissions of both the learned counsels, this Court is of the view that, generally speaking a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. Further, the relief under Article 226 of the Constitution is based on the existence of a right in faovur of the person invoking the jurisdiction.

15. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is

an effective legal aid organization which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason or poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.

16. In the instant case the petitioner had not file the petition in public interest and did not disclose the circumstances which prevented the affected persons from approaching the court.

17. Having regard to the facts and circumstances of the case, this Court found no merit in the instant petition and the same is liable to be dismissed.

18. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel, interlocutory applications, if any pending, shall stand closed.

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Venkatasubbaiah V Advocate [OPUC]
2. Two CCs to GP for Endowments, High Court of Andhra Pradesh. [OUT]
3. One CC to Smt. Sodum Anvesha Advocate [OPUC]
4. One CC to Sri G Ramana Rao (SC for Endowments) [OPUC]
5. Three CD Copies

TF

HIGH COURT

DATED:29/11/2024

ORDER

WP.No.6532 of 2022



DISMISSING THE W.P., WITHOUT COSTS