IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 4542 OF 2025

Between:

Sikhakolli Subramanya Satish, S/o. Late Venkata Kanaka Durga Rao, Age 49 years, Occ: Business R/o. 11-28-11, Govindarajulavari Street I Town, Near Rama Mandiram, Vijayawada, NTR District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by the Principal Secretary, Revenue (Endowments) Department, Velgapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department Gollapudi, Vijayawada, NTR District.
3. The District Endowment Officer, Vijayawada, NTR District
4. Sri Challaraju Venkata Seshaiah Choultry, Samarangam Chowk, Vijayawada -1 Rep. by its Executive Officer

...Respondents

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 an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in issuing notice in Lr. No. Nil/2025 dated 05.02.2025 directing the petitioner to vacate the shop No. 1 situated at Samarangam

Chowk, Vijayawada - I, NTR District belonging to it, as per the orders in OA No. 670/2019 dated 23.12.2024 passed by the AP Endowment Tribunal, Pedakakani, Amaravathi as bad, illegal and arbitrary and violative of articles 14, 19 (1) (g) and 21 of Constitution of India and consequently direct the respondent not to interfere with the petitioner peaceful possession of the subject shop till end of July, 2025.

IA NO: 1 OF 2025

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 suspend the operation of orders passed in OA No. 670/2019 dated 23.12.2024 by the AP Endowment Tribunal, AP, Pedakakani and the consequential 4th respondent impugned notice in Lr. No. Nil/2025 dated 05.02.2025 directing the petitioner to vacate the shop No. 1 situated at Samarangam Chowk, Vijayawada - I, NTR District.

Counsel for the Petitioner: SRI. D V SASIDHAR

Counsel for the Respondent Nos. 1 to 3: GP FOR ENDOWMENTS

The Court made the following order:

APHC010083922025

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

FRIDAY ,THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 4542/2025

Between:

Sikhakolli Subramanya Satish **...PETITIONER**

AND

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

Counsel for the Petitioner:

1.D V SASIDHAR

Counsel for the Respondent(S):

1.GP FOR ENDOWMENTS

The Court made the following Order:

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

> "....to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in issuing notice in Lr.No.Nil/2025, dated 05.02.2025 directing the petitioner to vacate the shop No.1, situated at Samarangam Chowk, Vijayawada-1, NTR District, belonging to it as per the orders in O.A.No.670/2019, dated 23.12.2024 passed by the AP Endowment Tribunal, Pedakakani, Amaravathi, as bad, illegal and arbitrary and violative of articles 14, 19(1)(g) and 21 of Constitution of India and consequently direct the respondent not to interfere with the petitioner peaceful possession of the subject shop till end of July, 2025...."

2. Brief facts of the case are that initially the petitioner's father, SVK.Durga Rao, was the tenant of Shop No.1, which belongs to the 4th respondent-choultry, situated at Samarangam Chowk, Vijayawada (for short "subject premises"), measuring 80 square feet. During his lifetime, the Choultry attempted to evict him by filing O.A.No.1998/2010, which was ordered on 08.09.2010. Subsequently, the petitioner's father's lease was extended from 01.04.2009 to 31.03.2012. The 4th respondent attempted to conduct a public auction on 21.02.2015, and the petitioner's father filed W.P.No.5220/2015 along with others. However, the petitioner's father passed away on 08.10.2015. Since then, the petitioner is in possession and running the shop. While things stood thus, the 4th respondent has filed O.A.No.670/2019 against the petitioner and his mother for eviction and the same was decreed on 23.12.2024, without even adducing the evidence and marking the documents. The O.A. order dated 23.12.2024 is communicated to the petitioner vide impugned notice dated 05.02.2025 on 06.02.2025. Aggrieved by the same, the present writ petition has been filed.

3. Heard Mr.D.V.Sasidhar, learned counsel for the petitioner and learned Government Pleader for Endowments, for the respondents.

4. On hearing, learned counsel for the petitioner while reiterating the contents urged in the writ petition, submits that, the O.A. order dated 23.12.2024 was passed without even adducing the evidence or marking the

documents, as such the procedure outlined in Rules 13, 14, 19, 20, 21, and 26 of the Tribunal Rules was not followed by the tribunal before passing the final orders. He further submits that there are a total of 10 shops belonging to the 4th respondent-institution, out of which the leases for 9 shops were extended from 2016 to 2019, 2019 to 2022, and 2022 to 2025, except for the petitioner's shop. The petitioner was not asked for an enhancement nor was any notice given before extending the leases of the other shops, regarding whether the petitioner was willing to accept an extension. He further submits that the petitioner has paid the rent up to date at the rate of Rs. 7,050/- per month until February 2025, and there are no arrears owed to the 4th respondent. Now, the petitioner is seeking only a six-month extension period to vacate the premises and hand it over to the 4th respondent institution. He further submits that, as per Section 84(2) of Act 30/87, there is a provision for an appeal to the High Court within a period of 90 days from the date of receipt of the order. Therefore, pending the limitation period for the appeal, eviction cannot be carried out. In the present case, the petitioner has time until 04.05.2025; as such, the impugned notice is illegal and arbitrary. Therefore, learned counsel for the petitioner requests this Court to grant six months time to vacate and handover the subject premises and to pass appropriate orders.

5. Per Contra, learned Government Pleader vehemently opposed for grant of any relief in the present writ petition and submits that once the tribunal has passed the decree, the petitioner must vacate the premises

immediately. He further submits that the 4th respondent has issued impugned notice in Lr.No.Nil/2025, dated 05.02.2025, directing the petitioner to vacate the subject premises as per the orders in O.A.No.670/2019, dated 23.12.2024, passed by the A.P. Endowment Tribunal, Pedakakani, Amaravati. The petitioner, without vacating the subject premises, filed the present writ petition. Therefore, learned Government Pleader prays that appropriate orders be passed.

6. Perused the record.

7. On a perusal of the material on record, this Court observed that, the tribunal has passed a decree in O.A.No.670 of 2019, dated 23.12.2024, directing the petitioner to vacate and surrender vacant possession of the petition schedule property to the 4th respondent within one month. However, the petitioner without vacating the subject premises, has filed the present writ petition seeking additional time to vacate the premises. Considering the petitioner's case at this juncture, it is noted that the petitioner has already availed two months' time but has not vacated the subject premises, which is improper on the part of the petitioner.

8. Having regard to the facts and circumstances of the case and on considering the submissions of both the learned counsels, this Court deems it appropriate to dispose of the writ petition, directing the petitioner to vacate the subject premises on or before 31st March, 2025 and hand over possession to

the respondents voluntarily. If the petitioner fails to vacate the subject premises by 31st March, 2025, the respondents are at liberty to take steps, in accordance with the law.

9. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous applications pending, if any, shall stand closed.

Sd/- M SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Endowments) Department, State of Andhra Pradesh, Velgapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department Gollapudi, Vijayawada, NTR District.
3. The District Endowment Officer, Vijayawada, NTR District
4. The Executive Officer, Sri Challaraju Venkata Seshaiah Choultry, Samarangam Chowk, Vijayawada -1
5. One CC to Sri. D V Sasidhar Advocate [OPUC]
6. Two CCs to GP For Endowments, High Court Of Andhra Pradesh. [OUT]
7. Three CD Copies

GSC

HIGH COURT

DATED:28/02/2025

ORDER

WP.No.4542 of 2025



DISPOSING OF THE WP

WITHOUT COSTS