APHC010535812024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.27837 of 2024

Between:

1. SANGEETHA CHINNA SATYANARAYANA,, S/O. SURANNA, AGED ABOUT 68 YEARS, R/O MADDURU VILLAGE, KOVVURU MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, ENDOWMENTS, GOLLAPUDI, VIJAYAWADA.
2. THE REGIONAL JOINT COMMISSIONER OF ENDOWMENTS DEPARTMENT, M.Z-I, RAJAMEHENDRAVARAM.
3. THE ASSISTANT COMMISSIONER OF ENDOWMENTS DEPARTMENT, . ELURU, WEST GODAVARI DISTRICT.
4. SRI VASISTA LAKSHMINARASIMHA SWAMY DEVASTHANAM, REPRESENTED BY ITS EXECUTIVE OFFICER, VIJJESWARAM, NIDADHAVOLU MANDAL, WEST GODAVARI DISTRICT.
5. THE MANAGER, SRI VASISTA LAKSHMINARASIMHA SWAMY DEVASTHANAM, VIJJESWARAM, NIDADHAVOLU MANDAL, WEST GODAVARI DISTRICT.
6. THE TAHSIDAR, NIDADAVOLE MANDAL, EAST GODAVARI DIST. ...

...RESPONDENT(S):

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 a writ, order, or orders or direction more particularly one in the nature of a Writ of Mandamus a)declaring the order passed by the 2nd respondent in R.P.No.13 of 2022 dated 09-01-2024 in dismissing the same as illegal, arbitrary, malafide and violation

of principles of natural justice and consequentially set aside the said order passed by the 2nd respondent in R.P.No.13 of 2022 dated 09-01-2024 b)declaring the actions of 5th Respondent in issuing auction notification dated 11-11-2024 and in consequently conducting the auction dated 28-11-2024 by confirming the auction in favour of the 7th respondent are illegal, arbitrary, mala fide, violation of principles of natural justice and against provision of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Prayer is amended as per the Court's Order dt.29.04.2025 in I.A.No. 04 of 2025.

Counsel for the Petitioner:

1. RAVI TEJA DOMMETI

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. KAPPERA KOTESWARA RAO SC for Endowments, AP Region.
3. GP FOR ENDOWMENTS

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.27837 of 2024

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief/reliefs:

> ".…….to issue a writ, order, or orders or direction more particularly one in the nature of a **Writ of Mandamus**
> a) declaring the order passed by the 2nd respondent in R.P.No.13 of 2022 dated 09.01.2024 in dismissing the same as illegal, arbitrary, malafide and violation of principles of natural justice and consequentially set aside order passed by the 2nd respondent in R.P.No.13 of 2022 dated 09.01.2024
> b) declaring the actions of 5th Respondent in issuing auction notification dated 11.11.2024 and in consequently conducting the auction dated 28.11.2024 by confirming the auction in favour of the 7th respondent are illegal, arbitrary, malafide, violation of principles of natural justice and against provision of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and consequently set aside the same and pass such other order or orders….."

2. The writ petition is filed to declare the order passed by the 2nd respondent in dismissing the in Revision Petition No.13 of 2022 dated 09.01.2024 as illegal, arbitrary, mala fide and in violation of principles of

natural justice and subsequent to the dismissal of Revision Petition No.13 of 2022 dated 09.01.2024 in issuing auction notification dated 11.11.2024 and conducting the auction on 28.11.2024 and confirming the auction in favour of the 7th respondent are illegal, arbitrary, mala fide, violation of principles of natural justice and against provision of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, and, consequently, prayed to set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

3. It is stated in the affidavit filed in support of the Writ Petition that the petitioner has been in cultivation of an extent of Acs.2.16 cents of temple land in R.S.No.5 of Vijjeswaram Village for the past 60 years and the respondents are renewing their lease regularly and the petitioner has been paying lease amounts without default and the petitioner was recognized as landless poor under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act 30 of 1987') on 19.03.2008 and the petitioner has agreed to increase the lease amount of Rs.36,800/- per annum and the petitioner being continued and cultivating the land even

during the period of Covid-2019 pandemic and later the lease was not renewed.

4. The Assistant Commissioner of Endowments Department issued an order dated 29.10.2022 that the petitioner is no longer qualified as a landless poor person and the same was challenged in Revision Petition No.13 of 2022 before the Regional Joint Commissioner and the said Revision Petition was dismissed on 09.01.2024 and the respondents have issued auction notification dated 20.04.2024 and the petitioner is protected under Section 82 of the Act 30 of 1987 and it is further stated that the petitioner is entitled to continue cultivation upon payment of 75% of the market lease value and the respondents have wrongly concluded the petitioner as encroacher, since there is no valid lease/order in his favour, despite he being continuing in the said land under Section 82 of the Act 30 of 1987 and the respondents have wrongly interpreted the concept of landless poor person as outlined under Section 82 of the Act 30 of 1987.

5. Merely, participating in the public auction does not exclude the petitioner from the statutory protections given under Section 82 of the Act 30 of 1987 and the petitioner herein has previously filed W.P.No.7557 of 2021 to declare the action of the respondents in

attempting to auction the leasehold rights of the subject land as illegal and the said Writ Petition was disposed of as no cause of action survived and the petitioner has obtained lease through public auction for the periods 2017-18 to 2019-20. Hence, the petitioner cannot be considered as encroacher and the notification that issued on 28.11.2024 is unlawful and, therefore, contented that the petitioner cannot be evicted from the subject land.

6. Hence, prayed to set aside the impugned Revision Petition No.13 of 2022 dated 09.01.2024 as the same is illegal, arbitrary, mala fide and violation of principles of natural justice and relied on the judgment of the common High Court of Andhra Pradesh at Hyderabad in the case of Satyadeva Sannakaru Rythu Sangham rep. by its President Revada Kannaiah *Vs* State of Andhra Pradesh rep. by its Principal Secretary to Government (Revenue), reported in 2011 SCC OnLine AP 1144 = (2011) 6 ALT 162, relied on paragraph-37 of the judgement reads thus: *That the provisions of Section 82(2) of the Act of 1987 have to be construed, interpreted and applied. Section 82(2) makes it clear that a lease of an agricultural land held by a landless poor person for not less than six years continuously would entitle him to either purchase such land or seek continuation of its lease as per the conditions stipulated in*

the provision. The proviso makes this amply clear by stating that if such small and marginal farmers are not able to purchase the land, they will continue as tenants provided they agree to pay at least two thirds of the market rent of similarly placed lands as the lease amount. The first Explanation defines as to who should be considered a landless poor person while the second Explanation defines a small and marginal farmer. The emphasis in the provision is upon granting benefit thereunder to the farmer who fulfils the requirements stipulated under the explanations to the provision for aspiring to the status of a landless poor person/small and marginal farmer. It would therefore be the 'individual farmer' who is the cultivating tenant of the agricultural land belonging to the institution/endowment who is to be given the benefit of this welfare legislation.

7. The 4th respondent filed counter affidavit and it is stated in the counter affidavit that the temple had taken steps for leasing the subject agricultural land in accordance with the provisions of Act 30 of 1987 and the Lease of Agricultural Lands Rules, 2003. Pursuant to the auction notification, an auction was conducted on 06.05.2024. The petitioner thereafter filed W.P.No.10596 of 2024 and this Court by an order dated 18.10.2024, cancelled the auction conducted on 06.05.2024 and

granted liberty to the 4th respondent temple to conduct a fresh auction in accordance with law. In compliance with the said order, the 4th respondent communicated the order passed in R.P.No.13 of 2022 to the petitioner and conducted a fresh public auction on 28.11.2024 in accordance with the applicable Act and Rules. The subject land was thereafter leased to the highest bidder Sri S.Arjun for a period of three years from 01.12.2024 to 30.11.2027, subject to the approval and conditions prescribed under the Endowments Act and the Lease Rules.

8. The fresh auction was conducted only after the earlier auction was cancelled pursuant to the order of this Court. Therefore, the action of the 4th respondent is neither arbitrary nor contrary to the order dated 18.10.2024. It is submitted that Rule 7 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, provides that leases shall ordinarily be granted by public auction. Rule 8 ordinarily limits the period of lease to three years. The fresh lease granted for the period from 01.12.2024 to 30.11.2027 is therefore in conformity with the ordinary statutory lease period.

9. In the above said judgement, the contention of the respondents therein is that : Sangham (unit) was not eligible to claim benefit under

Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for brevity, 'the Act of 1987'). The writ petitioner therein Sangham contends that the respondents cannot look the Sangham as a single unit; rather, its individual members but it should be seen whether its members individually fulfilled such requirement, whether they are landless poor persons that they are entitled to the benefit of Section 82 of the Act of 1987.

10. The Court has accepted the said contention and directed the respondents therein to determine in the context of the certificates issued by the Mandal Revenue Officer, Peddapuram, and such other material as may be considered relevant, as to whether individually each such member fulfilled the requirements of the Explanations to Section 82(2) of the Act of 1987 as existing presently. The members of the petitioner Sangham shall be permitted to participate in this exercise and substantiate their claim by producing relevant proofs in support thereof. The benefit of Section 82(2) of the Act of 1987 shall be extended to all such members of the petitioner Sangham who are found to satisfy the statutory requirements to claim the status of a 'landless poor person'/small and marginal farmer.

11. In ***Dega Babi Reddy and Ors. vs Government of A.P.*** reported in 2006 (6) ALD 214, a learned Judge of the common High Court at Hyderabad at Paragraphs 2, 3 and 4 observed as hereunder:

> The petitioners claim to have been in possession of these lands, to be cultivating it, to be raising paddy crop and paying annual Maktha regularly to the Charitable Institution, since long the leases are stated to have been orally granted in 1980. The petitioners do not plead, establish or demonstrate that they are the lawful cultivating tenants of the 3rd respondent institution's lands, on the basis of duly executed lease deeds.

12. In another judgment in ***Ganapathi Ramakrishna v. The Regional Joint Commissioner, Multi Zone-I, Endowments Department, Kakinada, A.P. and Ors.*** in W.P.No.17281/2003 dated 21.8.2006, the learned Judge observed that "the benefits under Section 82 of the Act are available only if a person is lawful cultivating tenant having obtained lease after a process of public auction as stipulated under the relevant statutory rules governing grant of leases of agricultural lands belonging to the religious and endowment institutions and if such person owns or is in cultivation of lands in accordance with the limit specified in Section 82 of the Act. A person does not become a

lawfully cultivating tenant by merely depositing Makthas which are received either by the Manager of a Trustee of the Institution or even by the officials of the Endowments Department. Defendants facto occupation or cultivation of lands due to the negligence or connivance of the Endowments Department Officers does not elevate the status of such occupier to a lawful cultivating tenant and such unlawful occupier or cultivator is neither entitled to the benefits under Section 82 of the Act nor to a declaration that he/she is landless poor person within the expression under Section 82 of the Act."

13. Another learned Single Judge, following the above judgment in ***Adabala Raju And Ors. vs State Of A.P. And Ors.,*** reported in 2008 (1) ALD 145, observed that : The unauthorized occupation of the Endowment lands by the petitioners without a lease deed executed in their favour by or on behalf of the Endowment after following the due process or law; substantive and procedural, would not elevate occupation of the petitioners to the status of cultivating tenants as understood by the provisions of the New Act. Cultivating Tenant in Section 82 of the New Act must be understood to denote cultivating tenant under a lawful duly executed lease and not one that is the product of ultra vires conduct of the State actors in defiance of the

legislative mandate. There is no exclusion in this principle by the mere fact that the petitioners are in such an unauthorized occupation since 1980 or times immemorial. The petitioners do not claim any prescriptive title or ownership to the lands in question.

14. A Division Bench of this Court in ***Katta Naga Malleswararao and Anr. v. Government of Andhra Pradesh,*** **rep. by its Secretary, Revenue (Endowments) Department, Secretariat, Hyderabad and Ors.**, W.A.No.1302/2003, observed that "as a matter of fact, direction of learned Single Judge is very clear that for the purpose of deciding the question as regards status of the landless poor, it is the status of the actual lessee of the land which has to be taken into account and not of any other person. The inter-se family partition affected between the members of the family will be of no consequence. It is the relationship between the lesson and lessee, which is the sine qua non. Therefore, only the status of the actual lessee will be taken into consideration and the words used in Sub-rule (2) of Rule 3 of the above Rules i.e., 'cultivating tenant' would confine only to actual lessee and not all persons, who might be cultivating the land by private negotiations." Reliance also was placed on ***Ganapathi Ramakrishna v. The Regional Joint Commissioner, Multi Zone-I, Endowments***

Department, Kakinada, A.P. and Ors. W.P. No.17281 of 2003 dated 21.8.2006, wherein the learned Judge observed that "the 2nd respondent should bear in mind that the benefits under Section 82 of the Act are available only if a person is lawful cultivating tenant having obtained lease after a process of public auction as stipulated under the relevant statutory rules governing grant of leases of agricultural lands belonging to the religious and endowment institutions and if such person owns or is in cultivation of lands in accordance with the limit specified in Section 82 of the Act. A person does not become a lawfully cultivating tenant by merely depositing Makthas which are received either by the Manager of a Trustee of the Institution or even by the officials of the Endowments Department. Defendants facto occupation or cultivation of lands due to the negligence or connivance of the Endowments Department Officers does not elevate the status of such occupier to a lawful cultivating tenant and such unlawful occupier or cultivator is neither entitled to the benefits under Section 82 of the Act nor to a declaration that he/she is landless poor person within the expression under Section 82 of the Act."

15. In the case of ***S.V.K.Durga Rao Vs. State of Andhra Pradesh*** reported in 2019 SCC OnLine AP 196, it is held that in view of

the conflicting decisions, it is highly difficult to follow general principles laid down in any of the judgments, more particularly, when the special law i.e. the Endowments Act and the 2003 Rules prescribes certain procedure. According to the provisions of the Endowments Act, after expiry of lease period, the tenant in occupation is deemed to be an encroacher and for eviction of an encroacher, specific procedure is prescribed under Section 83 of the Endowments Act. But, the procedure contemplated for taking possession under Rule 15 of the 2003 Rules as amended by G.O.Ms.No.426 Revenue (Endowments-I) Department, dated 09.11.2015, the Division Bench of the High Court of Judicature at Hyderabad, struck down the rule in W.P.Nos.34361, 39013 and 39151 of 2016 dated 04.07.2018, and no other procedure is available to evict the persons in wrongful possession except the procedure prescribed under Section 83 of the Endowments Act. The Deity, in all the temples, is a perpetual minor and the interest of Deity is being protected by the persons who are representing the temple or endowment institution.

16. In W.P.No.18210 of 2009 & batch, and in W.P.No.14190 of 2010 filed by one Nukala Satyanarayana, this Court, by orders, dated 24.06.2015, while dismissing the said writ petitions, observed that there is no error in the orders passed by the 1st respondent therein on the

petitions filed under Section 83 of the Act 30 of 1987, when admittedly, the leases of the petitioners therein are not in existence.

17. As there is no valid lease existence in between the petitioner and the respondents the petitioner cannot claim status of land less poor person. This Court does not see any merit in the writ petition.

18. Accordingly, the Writ Petition is dismissed. However, no order as to costs. Interim orders, if any, shall stand vacated.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 10.11.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.27837 of 2024

Date: 10.11.2026

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