APHC010579162026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3311]**

(Special Original Jurisdiction)

Tuesday, the 3rd day of November, 2026

Present

The Honourable Ms. Justice B. S. Bhanumathi

Writ Petition No. 31688 of 2026

Between:

The Syed Hazarathmiya Chisty Babaji Darga Trust … Petitioner

and

The State of Andhra Pradesh and others ... Respondents

Counsel for the petitioner:

1. S. Lakshminarayana Reddy

Counsel for the respondents:

1. G.P. for Panchayat Raj Rural Development
2. Sasanka Bhuvanagiri (S.C. for Non Services ZPPS, MPPS, GP for Rayalaseema SPSR Nellore, Prakasam)
3. G.P. for Revenue

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, to declare the action of the respondents Nos. 2 to 4 in not granting permission to the petitioner Trust to conduct 35th Gandam Mahothsavam (the spiritual activities) from 01.11.2026 to 06.11.2026 inspite of representations dated 20.07.2026 and 18.10.2026 being made by the petitioner Trust as illegal, and consequently to direct the respondents to grant permission to the petitioner Trust to conduct the 35th Gandam Mahothsavam (the spiritual activities) from 01.11.2026 to 06.11.2026 in an extent of Ac. 4.71 cents covered by S.Nos. 1224/1, 1224/3 and 1224/4 of Kondayapalem Village, Udayagiri Mandal duly considering the representations made by the petitioner Trust dated 20.07.2026 and 18.10.2026.

2. The case of the petitioner, stated briefly, is as follows:

The petitioner Trust was constituted vide Registration No. 400 of 2008, dated 24.11.2008 as modified by the supplementary deed, dated 23.12.2017. The Trust has been conducting religious, spiritual activities in the Darga and conducting Gandam Mahothsavam every year in the first week of November in the name of Hazarathmiya Chisty Babaji who established the Darga and died subsequently. After his death, as a part of welfare activities, the Chairman of the Trust has been conducting festival in the name of Gandam Mahothsavam in the first week of November. On 29.11.2017, a representation was given to the revenue department, through District Collector, seeking alienation of the land of Ac. 4.71 cents in S.Nos. 1224/1, 1224/3 and 1224/4 on payment of market value. As the representation was not considered, the petitioner filed W.P.No. 11139

of 2025 seeking direction in that regard. On 01.05.2025, this High Court disposed of the writ petition pursuant to the written instructions of the District Collector that the subject matter was under active consideration. As the order has not been complied with, the petitioner filed a Contempt Case No. 2395 of 2026 against the respondent No. 3 and others. Bearing grudge of the same, when the petitioner sought permission this ear for conducting Gandam Mahothsavam by submitting a written representations, dated 20.07.2026 and 18.10.2026, no permission has been accorded. Therefore, the writ petition was filed.

3. On 02.11.2026, the learned Standing Counsel for Gram Panchayat placed on record a copy of written instructions of the respondent No. 2, wherein it is mainly stated that the subject land is a government land and the request of alienation of the said land in favour of the petitioner is pending for consideration and the same cannot be decided by the respondent No. 2 and that the petitioner is required to approach the competent authorities for obtaining necessary permission and clearance in accordance with law even in respect of temporary occupation of the subject land. It is also incidentally mentioned that requisite clearance from the police and the district administration shall be taken.

4. Today on 03.11.2026, the learned Assistant Government Pleader for Revenue placed on record a copy of the written instructions of the respondent No. 3 / District Collector, SPSR Nellore District, wherein, while referring to the request of the petitioner for alienation of the land pursuant to the order, dated 01.05.2025 in W.P. No. 11139 of 2025, it is stated that a speaking order was passed by the Tahsildar, Udayagiri that the alienation proposal would be

considered after the outcome of the connected W.P.Nos. 35651 of 2022 and 23914 of 2025 which were filed by Sri Syed Hyder Ali challenging the resumption proceedings and regulation of the subject land. Therefore, it is further stated that in view of the pendency of those writ petitions and also the contempt petition filed by the present writ petitioner, no final decision has been taken on the issue of alienation to avoid conflicting decisions. And with regard to temporary injunction permission sought, it is stated that it requires consideration by the competent revenue authority, subject to applicable rules and without prejudice to the pending Court cases and further necessary clearance from the other authorities like police, revenue, fire services etc. wherever applicable and required to ensure public safety and maintenance of law and order and traffic. Under these circumstances, the respondent No. 3 instructed that the district administration is not in a position to take any final decision at this stage regarding the proposed alienation or temporary utilization of the subject government land pending adjudication of the connected writ petitions and receipt of necessary clarification from the competent government authority to whom a letter was addressed on 11.09.2026 seeking clarification about the alienation proposal. It is also stated that any decision in the matter at this juncture may prejudice the rights and contentions of the parties in the pending litigation before the High Court and the matter is required to be kept pending until the outcome of the pending cases and receipt of appropriate government instructions.

5. The learned counsel for the petitioner contended that the petitioner is not asking for any decision on the permanent alienation which is subject matter of W.P.No. 11139 of 2025, but seeks

temporary permission for conducting the festival mentioned in the writ petition.

6. On the other hand, the learned Assistant Government Pleader for Panchayat Raj and Rural Development representing the respondents contending that the allegations of prejudice due to pendency of contempt case are unfounded and imagination of the petitioner. He further submitted that as stated in the written instructions, it is only due to pendency of the other writ petitions and the clarification awaited from the government, no decision has been taken and moreover necessary permission from other departments are required to be taken by the petitioner, without which it is not possible to conduct the festival. He further submitted that due to the pre-occupation of the district administration in the ongoing elections, it could not pass any order on the representation of the petitioner for temporary permission. He further reiterated the contents of the written instructions.

7. In reply, the learned counsel for the petitioner submitted that the festival is associated with specific period during the first week of November in memory of the founder of the Trust and that yesterday requests had been made to the police and the fire service department who orally accorded permission, provided necessary fee is paid to the fire service department and a date of the festival is fixed and communicated. He further submitted that due to the urgency, the petitioner approached this Court for appropriate direction and therefore, the writ petition may be disposed of.

8. Even as per the writ petitioner, there has never been any written order according permission by the district administration or revenue

authority or any other authority on the representation / request of the petitioner to conduct the celebration. There is also no denial of the festival being conducted. The reasons for not according permission are clearly indicated in the written instructions of the respondent No. 3 filed today. Instead of keeping the petitioner under dark on the representation, it could have been made clear to the petitioner, either by according permission or refusing it for any reason. Of course, the district administration is attending several duties for elections to the local bodies.

9. Therefore, considering the time constraints on either side, the writ petition is disposed of directing the respondent No. 3 to take an appropriate decision, as per law, on the representation made by the petitioner without any further delay, not later than dated 05.11.2026.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

B.S. BHANUMATHI, J

Dt. 03.11.2026
PNV

Whether the order is :
Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No