APHC010602262010

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

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 2178 OF 2010

Between:

1. Bhupathiraju Gowri Sankara Raju (Died), S/o Adam Sab Business R/o Rayadurg Village Mandal Anantapur District

2. Bhupathiraju Butchi Venkata Padmanabha Raju, S/o. Late Bhupathiraju Gowri Sankara Raju R/o. D.No. 29-10-8, Lalitha Colony, Daba gardens, Visakhapatnam.

3. Bhupathiraju Jogi Jagannadha Raju, S/o. Late Bhupathiraju Gowri Sankara Raju R/o. D.No. 29-10-8, Lalitha Colony, Daba gardens, Visakhapatnam.

4. Bhupathiraju Seetharama Raju, S/o. Late Bhupathiraju Gowri Sankara Raju R/o. D.No. 29-10-8, Lalitha Colony, Daba gardens, Visakhapatnam.

5. Bhupathiraju Varma Babu, S/o. Late Bhupathiraju Gowri Sankara Raju R/o. D.No. 29-10-8, Lalitha Colony, Daba gardens, Visakhapatnam.

6. Bhupathiraju Saikala,, W/o Late Bupathiraju Butchi Venkata Padmanabha Raju, R/o D.No.50-117-17/11(9), Flat No.403, 4th Floor, Sri Vijaya Sai Vihar, Hill View Layout, Seethammadhara, Visakhapatnam, Andhra Pradesh- 530 013.

7. Bhupathiraju Vishnu Vardan Raju,, S/o Late Bupathiraju Butchi Venkata Padmanabha Raju, R/o D.No.50-117-17/11(9), Flat No.403, 4th Floor, Sri Vijaya Sai Vihar, Hill View Layout, Seethammadhara, Visakhapatnam, Andhra Pradesh- 530 013. (Represented by his G.P.A Holder B.Gowri Shankar Raju)

8. Bhupathiraju Gowri Shankar Raju,, S/o Late Bupathiraju Butchi Venkata Padmanabha Raju, R/o D.No.50-117-17/11(9), Flat No.403, 4th Floor, Sri Vijaya Sai Vihar, Hill View Layout, Seethammadhara, Visakhapatnam,

Andhra Pradesh- 530 013. Petitioner Nos. 6 to 8 are brought on record as L.Rs of the deceased 2nd petitioner as per the Court's Order dt.27.10.2025 in I.A.No.05 of 2025.

...Petitioners

AND

1. The Deputy Commissioner, Endowments Department, Visakhapatnam.

2. Sri Kasi Visweswara Swamy Temple Viswanadha Swamy, Temple, Simhachalam, under the Management of Sri Varaha Lakshmi Narasimha Swamy Devasthanam, rep. by its Executive Officer, Simhachalam, Visakhapatnam.

3. The Government of Andhra Pradesh, rep. by its Secretary, Revenue (Endts.I) Department, Secretariat, Hyderabad.

4. Komanduri Kalyana Venkateswara Swamy, S/o.K.Krishna Murthy, Aged 58 years, R/o.D.No.55-1-6, Vidya Nagar, Rajamahendravaram, East Godavari District, Andhra Pradesh. R4 impleaded as per Courts Order Dt. 04.08.2026 in I.A.No.1 of 2022

...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 toto issue a writ, order or direction particularly a Writ of Certiorari, calling for the records relating to order in O.A.No.145 of 2009 dated 16.01.2010 issued by the 1st respondent and quash the same as illegal, arbitrary, without jurisdiction and unconstitutional, being violative of Articles 14, 21 and 300-A of the Constitution of India and declare the same as null and void and nonest in the eye of law

Counsel for the Petitioners: KANDA SRINIVASU

Counsel for the Respondents: CHINTAPALLI SRINIVAS GP FOR ENDOWMENTS, S V INDIRA, E SAMBASIVA PRATAP I V RADHAKRISHNA MURTHY

The Court made the following order:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 2178 OF 2010

ORDER:

The 2nd respondent temple filed an application under Section 83(2) A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30/87) (in short 'Act), for eviction of the writ petitioners. The said application came to be allowed by the 1st respondent-Deputy Commissioner in O.A.No.145 of 2009 dated 16.01.2010. Challenging the said O.A., the present writ petition is filed only on the ground that the Tribunal under Section 87 of the Act was constituted and the 1st respondent in the writ petition, has no power to pass order for eviction.

2. While the writ petition is pending for consideration, I.A.No.1 of 2022 was filed, seeking to implead proposed respondent No.4 as party respondent, on the ground that one Meduri Appala Narasimha Sastry has been granted ryotwari patta and subsequent to his death, Smt. Meduri Kameswaramma W/o. Late Meduri Appala Narasimha Sastry, succeded the property and she inturn executed a Will Deed dated 15.10.1970 in favour of the 4th respondent in the writ petition, and thereby, the 4th respondent succeeded the property. This Court *vide* order dated 04.08.2026 allowed that I.A.No.1 of 2022, and permitted the 4th respondent to come on record, as he is proper and necessary party to the writ petition.

3. The 2nd respondent filed counter affidavit, stating that the constitution of the Tribunal cannot be understood as dealing with the authorities under the Act.

4. Sri Chintapalli Srinivas, learned counsel for the 2nd respondent submits that by the time of passing of the orders by the 1st respondent, the Tribunal was not constituted. He prays to dismiss the writ petition stating that the 1st respondent had the jurisdiction to pass the order impugned under Section 83(2) of the Act.

5. Sri P. Veera Reddy, learned Senior Counsel assisted by Sri Kanda Srinivasu, learned counsel for the petitioners, submits that the Government has issued G.O.Ms.No.837 dated 13.08.2009 and since then the Tribunal has come into force and functioning, therefore, contention raised by the learned counsel for the petitioners that the Tribunal was not constituted, is untenable or acceptable. He places reliance on the judgment dated 14.06.2023 in A.S.No.586 of 2010.

6. A Co-ordinate Bench of this Court in A.S.No.586 of 2010 dated 14.06.2023, referring to Section 87 of the Act, held that:-

> "**16.** From the reading of the above provisions, it is explicit that by virtue of the amendment to Section 87 of the Act, the Deputy Commissioner is empowered to decide certain disputes and matters, whereas, after the amendment to Section 87 of the Act, the Endowment Tribunal is constituted. Section 87(5) amendment shows that the Deputy Commissioner having jurisdiction shall continue to enquire into and decide the disputes referred to in Sub Section (1) until the constitution of

> the Endowments Tribunal. When the Endowments Tribunal is constituted, the Deputy Commissioner is not supposed to decide the disputes. The impugned Order passed by the Deputy Commissioner shows that the impugned Order was passed after the constitution of the Endowments Tribunal. A reading of the impugned Order does not indicate the reasons for passing the Order after the constitution of the Endowments Tribunal. During the course of the hearing, learned counsel appearing for the Endowments has not given justifiable reasons to pass the impugned Order by the Deputy Commissioner after the constitution of the Endowments Tribunal. This Court views that the Deputy Commissioner is not empowered with the jurisdiction to decide the disputes after the constitution of the Endowments Tribunal. As such, without going into the merits of other contentions, the Order passed by the Deputy Commissioner is liable to be set aside."

7. Following the above judgment, this Court is of the view that the order impugned in the writ petition, is unsustainable in law. Accordingly, the order dated 16.01.2010 passed by the 1st respondent is set-aside.

8. Liberty is granted to the 2nd respondent herein, to file appropriate application before the Tribunal under Section 87 of the Act, within a period of two (2) months, from the date of receipt of copy of this Order. On filing such an application, the Tribunal shall entertain the same.

9. With the above observations, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 05.11.2026
GVK

59

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 2178 OF 2010

Date: 05.11.2026

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