APHC010638962023

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

TUESDAY, THE 29th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 33283/2023

Between:

1. B. V. N. KEDARESWARA SARMA, S/O B. SADASIVA RAO. AGED ABOUT 54 YEARS, OCC BUSINESS, R/O 23-44, NEHRU NAGAR, NANDIGAMA, NTR DT., ANDHRA PRADESH-521185

...PETITIONER

AND

1. STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, REVENUE (ENDOWMENTS), SECRETARIAT, VELAGAPUDI, ANDHRA PRADESH.
2. THE COMMISSIONER OF ENDOWMENTS, GHXG PLUS GPF, OPP.S GRAND RESTAURANT, ONE CENTER, GOLLAPUDI, VIJAYAWADA, ANDHRA PRADESH-521225
3. SRI RAMALINGESWARA SWAMI VARI DEVASTHANAM, NANDIGAMA, NTR DISTRICT, ANDHRA PRADESH, REPRESENTED BY ITS EXECUTIVE OFFICER
4. THE NANDIGAMA MUNICIPALITY, NANDIGAMA, NTR DISTRICT, ANDHRA PRADESH, REPRESENTED BY ITS COMMISSIONER
5. A NAGENDRA KUMAR, S/O PRASAD BABU, AGED ABOUT 38 YEARS. OCC BUSINESS, R/O D NO 669, RAITHUPETA, NANDIGAMA, NTR DISTRICT, ANDHRA PRADESH.

...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 pray this Honble Court or any other Court or Authority praying for the same relief sought in this Writ Petition. Under the above stated facts and circumstances, it is humbly prayed that this Honble Court may be pleased to issue a writ, order or direction, more particularly one in the nature of mandamus a. Declaring the inaction of the Respondents, more particularly, the Respondent Nos. 3 and 4 in demolishing the illegal and unauthorized construction made by the Respondent No. 5 on the land in an extent of 0.80 cents in RS No. 665 of Nandigama, NTR District, Andhra Pradesh belonging to the Respondent No. 3, Sri Ramalingeswara Swamy Vari Devasthanam as being illegal, arbitrary, unjust and in dereliction of their bound duties mala fide and contrary to the conditions of the E-Tender cum Sealed Tender cum Open Auction issued by the Respondent No. 3 b. And consequently, direct the Respondents to take stem, spirit full appropriate steps for the demolition of such illegal and unauthorized constmction made by the Respondent No. 5 on the land in an extent of 0.80 cents in RS No. 665 of Nandigama, NTR District, Andhra Pradesh belonging to the Respondent No. 3, Sri Ramalingeswara Swamy Vari Devasthanam And pass

IA NO: 1 OF 2023

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 pleased to direct the Respondent No.5 to not use the illegal and unauthorized construction made by the Respondent No.5 on the land in an extent of 0.80 cents in RS No.665 of Nandigama, NTR District, Andhra Pradesh belonging to the Respondent No.3. Pending disposal of writ petition and to pass

IA NO: 1 OF 2026

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 May be pleased to Grant Leave to file a Counter in the above W.P.No.33283 of 2023 and pass

IA NO: 2 OF 2026

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 may be pleased to grant leave to file the counter prays affidavit in W.P.No. 33283 of 2023 and pass

IA NO: 3 OF 2026

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 may be pleased to dispense with the filing of the order dated 15-09-2026 made in W.P.No. 33283 of 2023 and pass

IA NO: 4 OF 2026

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 may be pleased to set aside the order dated 15-09- 2026 made in W.P.No. 33283 of 2023 directing 4th respondent in W.P. to take appropriate steps against the unauthorized constructions by the next date of hearing, and pass

IA NO: 5 OF 2026

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 may be pleased to modify the order dated 15-09- 2026 made in W.P.No. 33283 of 2023 from directing 4th respondent in W.P. to take appropriate steps against the unauthorized constructions by the next date of hearing.to consider the application of the petitioner herein/5th respondent in W.P. and pass

Counsel for the Petitioner:

1. K SARVA BHOUMA RAO

Counsel for the Respondent(S):

1. T S VENKATARAMANA
2. KAPPERA KOTESWARA RAO SC for Endowments,AP Region.
3. SIREESHA RANI VALLABHANENI SC For MUNICIPALITIES
4. GP FOR ENDOWMENTS (AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.33283 OF 2023

ORDER:

The present 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 mandamus:
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> a. Declaring the inaction of the Respondents, more particularly, the Respondent Nos.3 and 4 in demolishing the illegal and unauthorized construction made by the Respondent No.5 on the land in an extent of 0.80 cents in R.S.No.665 of Nandigama, NTR District, Andhra Pradesh belonging to the Respondent No.3, Sri Ramalingeswara Swamy Vari Devasthanam as being illegal, arbitrary, unjust and in dereliction of their bound duties mala fide and contrary to the conditions of the E-Tender cum Sealed Tender cum Open Auction issued by the Respondent No.3;
>
> b. And consequently, direct the Respondents to take stern, spirit full appropriate steps for the demolition of such illegal and unauthorized construction made by the Respondent No.5 on the land in an extent of 0.80 cents in RS.No.665 of Nandigama, NTR District, Andhra Pradesh, belonging to the Respondent No.3, Sri Ramalingeswara Swamy Vari Devasthanam and pass such other order or orders.…"

2. The Writ Petition is filed by the petitioner by invoking Section 2(18) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter for short 'Act No.30 of 1987').

3. The case of the petitioner is that respondent No.5 is constructing the permanent structures in the land admeasuring Ac.0.80 cents in RS.No.665 of Nandigama, NTR District, belonging to the 3rd respondent – Temple, without obtaining any permission from the concerned authorities.

4. Learned counsel for respondent No.4 stated that respondent No.5 has not obtained any permission from the 4th respondent for construction of the permanent structures in the land admeasuring Ac.0.80 cents in RS.No.665 of Nandigama, NTR District, belonging to the 3rd respondent – Temple.

5. Learned counsel for respondent No.5 has argued that the Endowment department granted lease to the 5th respondent for construction of building and placed reliance on the proceedings of the Office of Executive Officer, Sri Ramalingeswara Swamy Temple, dated 14.03.2024.

6. As seen from the proceedings, it indicates that any subsequent floor constructions, from the first floor onwards, shall be done only after taking approval from the Commissioner of Endowments, Andhra Pradesh. All the electricity and water connections etc., shall be taken in the name of 3rd respondent – Temple. However, all subsequent payments in respect of Electricity, Water and any other taxes, levies thereof etc., shall be paid by respondent No.5. The license period will commence from 05.04.2024 and will expire on 04.04.2035. The 5th respondent is bound to handover the building / construction to the 3rd respondent – Temple, after expiry of the license period i.e., on or before 04.04.2035. The Endowment department has granted lease to respondent No.5 permitting to raise a construction subject to handing over possession of the construction upon the expiry of the lease period.

7. Therefore, the present Writ Petition is disposed of with following directions:

(a) Respondent No.5 is precluded from making further constructions.

(b) Before making any construction, respondent No.5 shall obtain necessary permission from the respective departments.

(c) Soon after receipt of the necessary permission from the concerned authorities, respondent No.5 is at liberty to proceed with the construction.

(d) Respondent No.5 is directed to give an undertaking to the concerned officer of the Endowments departments that he will handover the property after expiry of license period i.e., on or before 04.04.2035.

(e) There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 29.09.2026

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94

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.33283 of 2023

Date: 29.09.2026

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