

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

THURSDAY, THE TWENTY FOURTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21936 OF 2023



**Between:**

K.Vittal, S/o Late Chandra Sehkar, aged about 38 years, R/o Flat No.305, Sai Rekha Sadan, Tiruchanur Road, Tirupati, Chittoor District.

**...PETITIONER**

**AND**

1. The State of Andhra Pradesh, Endowments Department, Secretariat Building, Secretariat, Velagapudi, Amaravati, Guntur District. Rep. by its Principal Secretary.
2. The Commissioner, Endowments Department, Government of Andhra Pradesh, Vijayawada.
3. The Assistant Commissioner, Endowments Department, Chittoor
4. Sri Kamaskhi Devi Sametha Sada Siveswara Swamy Temple, Puttoor District, 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 a writ, order or a direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in including the property of the petitioner i.e., Sy.No.247/4, to an extent of Ac.90.00 cents, Sy.No.247/6 to an extent of Ac.0.48 cents, SY.No.248/2 to an extent of Ac.0.11 cents and Sy.No.267/2 to an extent of Ac.0.03 cents situated at Govindapalem Village, Puttur Mandal, Chittoor District, in the register maintained U/Sec.43 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 relating to the 4th respondent-temple is illegal, arbitrary, unconstitutional and contrary to Sub-section (5) of Sec.43 of the Endowments Act, 1987, apart from violation of Articles 14 and 300-A of the Constitution of India and set aside the same and consequently direct the 2nd respondent to reconsider the inclusion of the above property in the register maintained under section 43 of the Act, after notice to the petitioner and considering the objections raised by the petitioner.

**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 to direct the 2nd respondent to reconsider the inclusion of land in Sy.No.247/4, to an extent of Ac.90.00 cents, Sy.No.247/6 to an extent of Ac.0.48 cents, SY.No.248/2 to an extent of Ac.0.11 cents and Sy.No.267/2 to an extent of Ac.0.03 cents situated at Govindapalem Village, Puttur Mandal, Chittoor District in the register maintained under section 43 of the Act, after notice to the petitioner and considering the objections raised by the Petitioner pending disposal of the writ petition.

**Counsel for the Petitioner(s) : SRI. V V N NARAYANA RAO**

**Counsel for the Respondents 1 to 3 : GP FOR ENDOWMENTS**

**Counsel for the Respondent No.4: SRI TVS KUMAR, SC FOR ENDOWMENTS**

**The Court made the following : ORDER**

**IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI**

**THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION No.21936 OF 2023**

K.Vittal, S/o late Chandra Sekhar, Aged about 38 years, R/o F.No.305, Sai Rekha Sadan, Tiruchanur Road, Tirupati, Chittoor District.

... Petitioner

**Versus**

The State of Andhra Pradesh, Endowments Department, Secretariat Building, Secretariat, Velagapudi, Amaravati, Guntur District represented by its Principal Secretary and three (3) others.

... Respondents

Counsels for the petitioner : Sri V V N Narayana Rao

Counsel for respondents : GP for Endowments

**ORDER**

The writ petition, under Article 226 of the Constitution of India, is filed to declare the action of the 3<sup>rd</sup> respondent in including the property of the petitioner of an extent of Ac.3.20 cents in Sy.No.247/4 (wrongly shown as Ac.90.00 cents), Ac.0.48 cents in Sy.No.247/6, Ac.0.11 cents in Sy.No.248/2 and Ac.0.03 cents in Sy.No.267/2 of Govindapalem Village, Puttur Mandal, Chittoor District, in the register maintained under Section 43 of Andhra Pradesh Charitable & Hindu Religious Institutions and endowments Act, 1987, as illegal and arbitrary.



2. In the affidavit, it was contended, inter alia, that one Kola Pedda Munemma, W/o Sundaram Naidu is the absolute owner of agricultural land of an extent of Ac.3.20 cents in Sy.No.247/4 (wrongly typed as Ac.90.00 cents), Ac.0.48 cents in Sy.No.247/6, Ac.0.11 cents in Sy.No.248/2 and Ac.0.03 cents in Sy.No.267/2 of Govindapalem Village, Puttur Mandal, Chittoor District. The said Pedda Munemma had no issues. One Krishna Swamy Naidu is the sister's son of the said Pedda Munemma and that he blessed with four children. Petitioner's father is the second son of Krishna Swamy Naidu.

(a) Kola Pedda Munemma executed registered Will dated 20.04.1962 bearing document No.32 of 1962. As per the recitals of the Will dated 20.04.1962, an extent of Ac.2.30 cents in RS.No.247/4 is endowed to the 4<sup>th</sup> respondent Temple for performing Nandi Vahana festival during Dhanurmasam and remaining property has been in possession and enjoyment of Krishna Swamy Naidu and his family members. However, the 3<sup>rd</sup> respondent, being the competent authority, without conducting any enquiry and without giving any notice to the affected parties of the properties of an extent of Ac.3.20 cents in Sy.No.247/4 (wrongly typed as Ac.90.00 cents), Ac.0.48 cents in Sy.No.247/6, Ac.0.11 cents in Sy.No.248/2 and Ac.0.03 cents in Sy.No.267/2 of

Govindapalem Village, included the same in the register maintained under Section 43 of the Act. Assailing the same, the above writ petition is filed.

3. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Endowments appearing for the respondents 1 to 3 and learned Standing Counsel appearing for the 4<sup>th</sup> respondent.

4. Learned counsel for the petitioner would contend that the properties were registered in the register maintained under Section 43 of the Act without following the procedure under Sections 43(5) and 43(10) of the Act. Learned counsel places reliance upon the order dated 27.07.2021 in W.P.No.12258 of 2021.

5. Learned Assistant Government Pleader and learned Standing Counsel would submit that the petitioner along with others filed O.A.No.727 of 2017 on the file of A.P State Endowments Tribunal, Amaravati. One of the reliefs sought for in the said O.A is to declare the O.A. schedule properties were not endowed to the 2<sup>nd</sup> respondent. The schedule property mentioned in O.A.No.727 of 2017 discloses the property of an extent of Ac.3.20 cents in Sy.No.247/4, Ac.0.48 cents in Sy.No.247/6, Ac.0.11 cents in

Sy.No.248/2 and Ac.0.03 cents in Sy.No.267/2 of Govindapalem Village.

6. Learned counsel for the petitioner would submit that by virtue of registered Will dated 20.04.1962, an extent of Ac.2-30 cents alone is endowed to the 4<sup>th</sup> respondent Temple for performing Nandi Vahana festival during Dhanurmasam and remaining property was not endowed.

7. As seen from the material on record, petitioner along with others filed O.A.No.727 of 2017 on the file of Endowments Tribunal. The same is pending consideration. Regarding the registered Will, petitioner can as well approach the Tribunal since O.A. is pending. In view of the same, writ petition is disposed of giving liberty to the petitioner to approach the Tribunal and seek necessary amendments in O.A.No.727 of 2017. No order as to costs.

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

**SD/- V. SAVITHRI GOWRI  
ASSISTANT REGISTRAR**

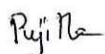
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**SECTION OFFICER**

To,

1. The Principal Secretary, State of Andhra Pradesh, Endowments Department, Secretariat Building, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Commissioner, Endowments Department, Government of Andhra Pradesh, Vijayawada.
3. The Assistant Commissioner, Endowments Department, Chittoor
4. The Executive Officer, Sri Kamaskhi Devi Sametha Sada Siveswara Swamy Temple, Puttoor District.
5. One CC to SRI. V V N NARAYANA RAO Advocate [OPUC]
6. Two CCs to GP FOR ENDOWMENTS, High Court of Andhra Pradesh. [OUT]
7. One CC to SRI TVS KUMAR, SC FOR ENDOWMENTS [OPUC]
8. Two CD Copies

Madhu



HIGH COURT

DATED:24/08/2023

ORDER

WP.No.21936 of 2023

11 copies  
TP  
9/10/2023

DISPOSING THE WP WITHOUT COSTS

