

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.19849 OF 2023

Beemavaram Charan Teja, S/o Venkata Subbarao, Hindu aged about 35 years, Business, R/o 10 Panduranga Street, Sullurupeta, Tirupathi District, Andhra Pradesh, 524121.

... Petitioner

Versus

The State of Andhra Pradesh, Represented by its Principal Secretary, Endowments Department (Revenue) Secretariat, Velagapudi, Amaravati, Guntur District and four others.

... Respondents

Counsels for the petitioner : Mr. K.Rama Krishna Reddy

Counsel for respondents : GP for Endowments

ORDER

The present writ petition is filed to declare the action of the respondents in trying to dispossess the petitioner from the land admeasuring of 130 ankanams in Sy.No.53/9, 10 of Indira Nagar, Sullurupet, Tirupathi District without following due process of law as illegal and arbitrary.

2. In the affidavit, it was contended *inter-alia*, that petitioner became the successful bidder pursuant to the public auction held on 11.11.2017, for a period of three (3) years i.e. from

2017-18 to 2019-20. The amount payable is Rs.44,000/- per month. Petitioner constructed a restaurant and has been doing business therein. Due to Covid-19, restaurant was closed. The petitioner informed the Temple authorities and also made representation dated 12.09.2020 to the Executive Officer-5th respondent to extend the lease period for a period of 3 more years. Authorities orally permitted the petitioner to pay enhanced rent of an amount of Rs.60,000/- per month and petitioner has been paying monthly rent of Rs.60,000/-.

(a) The Executive Officer of the Temple issued notice dated 16.06.2023, directing the petitioner to vacate the land in order to conduct public auction, otherwise, auction will be initiated under Section 83(4) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 30 of 1987.

(b) The Executive Officer of the Temple issued another notice dated 24.07.2023, directing the petitioner to remove the encroachment within a period of one week from the date of receipt of the notice and further directed the petitioner to submit his explanation. Hence, the petitioner filed the above writ petition.

3. Heard, Sri P.V.Sri Ram, learned counsel representing Sri K.Rama Krishna Reddy, learned counsel for the petitioner and learned Assistant Government Pleader for Endowments appeared for respondent Nos.1 to 5.

4. Learned Counsel for the petitioner reiterated the contentions in the affidavit.

5. As seen from the proceedings of the Assistant Commissioner, Endowments Department, Nellore filed along with the writ petition, petitioner became the successful bidder in the auction held on 11.11.2017, for a period of three (3) years from 2017-18 to 2019-20. The bid amount is Rs.44,000/- per month. Thereafter, no auction was conducted by the authorities. On 16.06.2023, the Executive Officer sent notice to the petitioner to vacate the premises enabling the authorities to conduct public auction. Another notice dated 24.07.2023 was issued to the petitioner.

6. A perusal of the notice dated 24.07.2023, indicates that the petitioner became a chronic defaulter payable for an amount of Rs.9,60,000/- towards the monthly rent from March, 2022 onwards for a period of 16 months. The notice further discloses

that as per the Ordinance published in the Andhra Pradesh Gazette Part-IV-B extraordinary on 26.06.2023, the occupation of the petitioner would come under the expression 'encroachment' and hence, the petitioner is directed to vacate and to remove the structures. Petitioner without submitting explanation approached this Court.

7. In fact, a perusal of the notice dated 24.07.2023, would further disclose that the petitioner has been given seven (7) days time to submit his explanation. Since show-cause notice was issued to the petitioner, petitioner shall submit his explanation to the notice dated 24.07.2023, within a period of ten (10) days from today. The Executive Officer of the Temple shall consider the same and pass appropriate orders within a period of two (2) weeks thereafter.

8. With the above direction, the Writ Petition is disposed of. Accordingly, there shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date : 07.08.2023
BSK

3

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.19849 OF 2023

Date : 07.08.2023
BSK