

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

**TUESDAY, THE TWENTY NINTH DAY OF OCTOBER**  
**TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE DR JUSTICE K MANMADHA RAO**

**WRIT PETITION NO: 32990 OF 2011**



**Between:**

Nakaraboina Appa Rao, S/o Late Paydayya, Daily Wage Earner, R/o D.No.23-116,  
Simhagiri Colony, Pedhagadili, Visakhapatnam

**...Petitioner**

**AND**

1. The Deputy Commissioner, Endowment Department at Visakhapatnam
2. The Assistant Commissioner, Endowment Department Visakhapatnam
3. Sri Varaha Lakshmi Narasimha Temple, rep. by its Executive Officer,  
Simhachalam, Simhachalam, Visakhapatnam.

**...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 direction more particularly one in the nature of writ of Certiorari, call for the records pertaining to the Judgment (Award) dated 12-05-2010 in OA.No.92 of 2009 on the file of the respondent No.1 and set aside same by holding that the Judgment is illegal, arbitrary, pervasive and in violation of Article 14, 21 and 300-A of Constitution of India

**I.A. NO: 1 OF 2011(WPMP. NO: 41003 OF 2011)**

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 suspend the operation of judgment (Award) dated 12-05-2010 in O.A.No.92 of 2009 on the file of the Respondent No.1, pending disposal of the above Writ Petition

**Counsel for the Petitioner: SRI T D PANI KUMAR**

**Counsel for the Respondent No.3: E SAMBASIVA PRATAP**

**Counsel for the Respondents No.1, 2: GP FOR ENDOWMENTS**

**The Court made the following: Order**



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

[3310]

TUESDAY, THE TWENTY NINTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 32990/2011

**Between:**

Nakaraboina Appa Rao,

...PETITIONER

AND

The Deputy Commissioner and Others

...RESPONDENT(S)

**Counsel for the Petitioner:**

1. T D PANI KUMAR

**Counsel for the Respondent(S):**

1. GP FOR ENDOWMENTS

2. E SAMBASIVA PRATAP

**The Court made the following:**

**ORDER:**

The 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 writ of Certiorari call for the records pertaining to the Judgment Award dated 12.05.2010 in OA No.92 of 2009 on the file of the respondent No.1 and set aside same by holding that the Judgment is illegal, arbitrary pervasive and in violation of Article 14 21 and 300A of Constitution of India ....."*

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Endowments appearing for the respondents.

3. On hearing, learned counsel for the petitioner submits that the matter is squarely covered by the common order passed by this Court in W.P.No.3807 of 2010 and batch, dated 01.10.2024, and hence, requests this Court to pass similar order in this petition also. The operative portion of the said order is as follows:-

*7. Under the aforementioned circumstances, this Court is inclined to set aside the impugned orders passed by the 2<sup>nd</sup> respondent, while directing the Deputy Commissioner, Endowments, Visakhapatnam to refer the matters to the Endowment Tribunal for fresh consideration, within four (04) weeks months from the date of receipt of a copy of this order. On such submission, learned Endowment Tribunal is directed to dispose of the same as expeditiously as possible, preferably within three (03) months thereafter in accordance with law, after affording ample opportunity of hearing to the petitioners..*

4. Learned Assistant Government Pleader for Endowments appearing for the respondents opposed for grant of any relief in the writ petition and prayed to dismiss the same.

5. In view of the submission made by both the learned counsels and upon perusing the entire material available on record, this Court deems fit to dispose of the present Writ Petition in terms of the said order.

6. Accordingly, this Writ Petition is disposed of in terms of the common order passed in W.P.No.3807 of 2010 and batch, dated 01.10.2024. There shall be no order as to costs.

7. The Registry is directed to attach a copy of the order passed in W.P.No.3807 of 2010 and batch, dated 01.10.2024 to this order.

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

//TRUE COPY//

**Sd/- M PRABHAKAR RAO**  
**ASSISTANT REGISTRAR**  
*N/S*  
**SECTION OFFICER**

To,

1. The Deputy Commissioner, Endowment Department at Visakhapatnam
2. The Assistant Commissioner, Endowment Department Visakhapatnam
3. The Executive Officer, Sri Varaha Lakshmi Narasimha Temple, Simhachalam, Simhachalam, Visakhapatnam.
4. One CC to SRI T D PANI KUMAR Advocate [OPUC]
5. One CC to SRI E SAMBASIVA PRATAP Advocate [OPUC]
6. Two CCs to GP FOR ENDOWMENTS, High Court of Andhra Pradesh [OUT]
7. Three CD Copies

**(Along with Copy of Order dated 01.10.2024 in WP. No.3807 of 2010 and batch)**

**HIGH COURT**

**DATED: 29/10/2024**

**ORDER**

**WP.No.32990 of 2011**



**DISPOSING THE WP  
WITHOUT COSTS**



APHC010438372010



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

[3310]

TUESDAY, THE FIRST DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE DR JUSTICE K MANMADHA RAO**

**WRIT PETITION NO: 1293/2010 & 3807/2010**

**WP No.1293/2010:**

**Between:**

Sri Gorle Narendra Kumar, and Others

...PETITIONER(S)

**AND**

Sri Varaha Lakshmi Narasimha Swamy Devasthanam  
and Others

...RESPONDENT(S)

**Counsel for the Petitioner(S):**

1. A S C BOSE

**Counsel for the Respondent(S):**

1. P SRINIVASULU

2. GP FOR ENDOWMENTS

3. E SAMBASIVA PRATAP

4. JAGADISH KUAMAR BATCHU

**The Court made the following:**

**COMMON ORDER:-**

Heard Mr. A.S.C. Bose, learned counsel appearing for the petitioners;

Ms. Sudeepti Potluri, learned Assistant Government Pleader for Endowments;

Mr. P.Srinivasulu, Mr. Jagadi Kumar Batchu and Mr. E.Sambasiva Pratap, learned Counsels appearing for the respondents.

2. As the issue involved in these writ petitions are one and same they are being taken up for hearing as well as disposed of by a common order.

3. It is the case of the petitioners is that the 2<sup>nd</sup> respondent passed orders in O.As for encroachment of land belonging to the 1<sup>st</sup> respondent, but communicated to the petitioner after long time. Pursuant to the same, the 1<sup>st</sup> respondent has evicted the petitioner, which is highly illegal and arbitrary. It is submitted that Act No.33 of 2007 was brought into existence by duly amending some provisions in Charitable and Hindu Religious Institutions and Endowments Act, 30 of 1987 (in short "the Endowments Act") where under the power of removing encroachment was vested with Endowments Tribunal constituted under Section 162(1) of the Act. Further the Government issued orders for constitution of A.P. Endowments Tribunal at Hyderabad vide G.O.Ms.No.837, dated 13.08.2009. Therefore, requested to set aside the impugned orders issued by the Deputy Commissioner, Endowments Department.

4. *Per contra*, the respondents filed counter-affidavit denying all material averments made in the writ petitions and mainly contended that the Assistant Commissioner, Endowments Department has filed the O.As against the encroachers and they were allowed by the Deputy Commissioner, Endowments Department declaring the petitioners and others as encroachers.



Pursuant to the said order, the Assistant Commissioner, Endowments Department has evicted the encroachers under Section 84 of the Endowments Act and later the petitioners have filed these writ petitions after delay of several years without explaining the delay and laches on their part. Even otherwise assuming that the order is not valid, the petitioners would have challenged the same before the order is executed by the Assistant Commissioner, Endowments under Section 84 of the Endowments Act. Hence, the writ petitions are liable to be dismissed.

5. Perused the record.

6. Upon perusal of entire material on record and considering the submissions of both the counsel, this Court opined that after establishment of Tribunal, the Deputy Commissioner has no authority to pass any order without having jurisdiction.

7. Under the aforementioned circumstances, this Court is inclined to set aside the impugned orders passed by the 2<sup>nd</sup> respondent, while directing the Deputy Commissioner, Endowments, Visakhapatnam to refer the matters to the Endowment Tribunal for fresh consideration, within four (04) weeks months from the date of receipt of a copy of this order. On such submission, learned Endowment Tribunal is directed to dispose of the same as expeditiously as possible, preferably within three (03) months thereafter in accordance with law, after affording ample opportunity of hearing to the petitioners.

8. With the above direction, both the writ petitions are disposed of, with the consent of both the counsel. There shall be no order as to costs.

9. As a sequel, all the pending miscellaneous applications shall stand closed.

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**DR. K. MANMADHA RAO, J.**

*Date :01.10.2024*

*Gvt*