APHC010437592024

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

WEDNESDAY,THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 22819/2024

Between:

1. PILLI SRINIVASULU, C/O CHINNA VENKATESWARLU, AGED ABOUT 33 YEARS, OCC REPORTER, R/O D.NO. 1-3-59, OLD MARKET, EASTERN COLONY, SUNDIPENTA, SRISAILAM, NANDYAL DISTRICT, ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REVENUE (ENDOWMENTS) DEPARTMENT VELGAPUDI, SECRETARIAT BUILDINGS, AMARAVATHI, GUNTUR DISTRICT. REP. BY ITS PRINCIPAL SECRETARY.
2. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOLLAPUDI, VIJAYAWADA
3. SRI BRAHAMRAMABA MALLIKARJUNA SWAMYVARLA DEVASTHANAM, SRISAILAM, NANDYAL DISTRICT, REP. BY ITS EXECUTIVE OFFICER

...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 tomay be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not removing illegal encroachments in the lands situated on

the Srisailam Hill area. which absolutely belonging to the 3rd respondent as bad, illegal, arbitrary, violative of principles of natural Justice and violative of Articles 14, 21,25 and 26 of Constitution of India and consequently direct the respondents to forthwith initiate the action against the illegal encroachers and pass such

IA NO: 1 OF 2024

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 direct the 3rd respondent to consider the petitioner's representation dated 09-08-2024 and pass such

Counsel for the Petitioner:

1. D V SASIDHAR

Counsel for the Respondent(S):

1. T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)
2. GP FOR ENDOWMENTS

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.22819 of 2024

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

> *"…*to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not removing illegal encroachments in the lands situated on the Srisailam Hill area, which absolutely belonging to the 3rd respondent as bad, illegal, arbitrary, violative of principles of Natural Justice and violative of Articles 14, 21, 25 and 26 of Constitution of India and consequently direct the respondents to forthwith initiate the action against the illegal encroachers and pass such other order or orders…."

2. Heard learned counsel appearing for both sides.

3. It is narrated in the affidavit filed in support of the writ petition that the 3rd respondent-Institution is registered under Section 6(a) of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No.30 of 1987) (hereinafter for short 'the Act'). The Institution owns huge properties in several places and is one of the Jyothirlingam in India. The said Institution got around 5000 Acres of the land in the Srisailam Hill Area, out of which 1000 Acres are being used by the 3rd respondent for development purposes. It is further asserted that the petitioner came to know that around 200 Acres of the said land have been encroached by some unknown persons. The same was brought to the notice of the respondents through representation dated 09.08.2024 (08.08.2024). However, the respondent authorities turned a

deaf ear to the representation and failed to initiate appropriate action for protection of the land/properties of the 3rd respondent-Institution. The petitioner, being an interested person under Section 2(18) of the Act, has locus standi to file the writ petition. Therefore, the present Writ of Mandamus is filed challenging the action of the respondents in not removing illegal encroachments in the lands situated at Srisailam Hill Area.

4. The 3rd respondent-Executive Officer, Sri Brahamramaba Mallikarjuna Swamyvarla Devasthanam, filed counter-affidavit denying all the contentions raised in the affidavit and stated that any illegal encroachments, as alleged, have not been overlooked or ignored by the respondents. The respondents have been actively and diligently taking steps for identification, investigation and eviction of any unauthorized occupants on the temple land by constituting a Protection Cell Committee with the Devasthanam staff time and again. It is further asserted that the 3rd respondent maintains regular vigilance and reporting on protection and development of temple properties. The petitioner's representation is under active consideration and investigation by the respondents. The delay, if any, is due to the complexity of verifying claims and ensuring procedural fairness. It is further stated that allegation of 200 Acres being encroached is unsupported by any official survey or conclusive administrative finding. The respondents have conducted multiple site visits and survey exercises but have not confirmed any encroachments. The petitioner has no locus standi to file present writ petition. Hence, prayed to dismiss the writ petition.

5. As rightly contended by the 3rd respondent, the writ petition appears to be frivolous, vexatious and is a politically motivated case, as the petitioner has not been able to furnish the particulars of the alleged encroachments of the land. However, in order to protect the interest of the Institution, the respondents are directed to make all endeavors to protect the properties of the temple.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Date: 17.06.2026
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42

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.22819 of 2024

17.06.2026
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