Date of reserved for orders:
Date of pronouncement : 29.06.2026
Date of uploading : 01.07.2026

APHC010195332025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3458]**
(Special Original Jurisdiction)

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 10211/2025

Between:

1. MADALA ASHWIN KUMAR, S/O. LATE RAVINDRANATH, AGED ABOUT 40 YEARS, OCC BUSINESS, R/O. 501, URBAN BLOCKS PINNACLE, SY. NO. 178/C3 AND 179/A1, KONDAPUR, K.V. RANGA REDDY, TELANGANA- 500084

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY SPECIAL CHIEF SECRETARY, STAMPS AND REGISTRATION DEPARTMENT, OFFICE AT SECRETARIAT, VELGAPUDI, AMARAVATI, ANDHRA PRADESH
2. THE COMMISSIONER AND INSPECTOR GENERAL OF STAMPS AND REGISTRATION, OFFICE AT V SQUARE BUILDING, KSR PARK ROAD, WARD NO.2, TADEPALLI, GUNTUR DISTRICT, ANDHRA PRADESH - 522501
3. THE COMMISSIONER OF ENDOWMENTS GOVERNMENT OF ANDHRA PRADESH, GOLLAPUDI, VIJAYAWADA, ANDHRA PRADESH -521225
4. THE DISTRICT COLLECTOR GUNTUR, OFFICE AT THE

COLLECTORATE, GUNTUR DISTRICT

5. THE GUNTUR MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER, GUNTUR, GUNTUR DISTRICT
6. THE ASSISTANT COMMISSIONER OF ENDOWMENTS, OFFICE AT GUNTUR, GUNTUR DISTRICT
7. THE JOINT SUBREGISTRARKORITEPADU, GUNTUR, ANDHRA PRADESH 522007
8. THE REVENUE DIVISIONAL OFFICER, GUNTUR-DIVISION, GUNTUR DISTRICT, ANDHRA PRADESH
9. THE TAHSILDAR, , GUNTUR WEST, GUNTUR 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 tomay be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Certiorarified Mandamus i.Declaring the action of the Respondents in issuing the Memo No.Rc.No.M2/9577/2016, Dt. 08/06/2016 in so far as the writ petitioner property in D.No.63 of Koritepadu Village, Guntur Mandal and District are concerned, all consequential actions taken and contemplated to be taken to be illegal, arbitrary and unconstitutional as the same is in gross violation Article 14, 300A of the Constitution of India. ii.To quash the Memo No.Rc.No.M2/9577/2016, Dt. 08/06/2016 issued by 2nd Respondent in so far as the writ petitioner property in D.No.63 of Koritepadu Village, Guntur Mandal and District are concerned as illegal, arbitrary and unconstitutional as the existence of the said Memo tantamounts to overruling the judgements decrees and orders passed by this Honble Court in various judgements. iii.To direct the Respondents to forthwith remove the lands in so far as the writ petitioners property in D.No.63 of Koritepadu Village, Guntur Mandal and District are concerned in the list of prohibited properties in the IGRS website as well as other records maintained by the Respondents. iv.To direct the Respondents to entertain the documents presented for registration by the writ petitioner in so far as his property situated in D.No.63 of Koritepadu Village, Guntur Mandal and District. v.To further declare any other consequential Memos or Orders or Directions

etcs., which are concealed and not disclosed to the Petitioner as illegal and arbitrary in so far as his property situated in D.No.63 of Koritepadu Village,Guntur Mandal and District concerned vi.To pass such other order(s) as this Honble Court may deem fit and proper in the circumstances of the case by moulding the relief if necessary to do complete justice to the writ petitioner. Prayer is amended as per the Court's Order dt.21.07.2025 in I.A.No.04 of 2025.

IA NO: 1 OF 2025

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 to direct the Respondents to receive and register any documents presented by the Writ Petitioner relating to his property situation in D.No. 63 of Koritepadu Village, Guntur Mandal and District pending disposal of the main writ petition and to pass such

IA NO: 2 OF 2025

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 to suspend the operation of Impugned Memo No. Rc.No.M2/9577/2016, Dt. 08/06/2016 issued by 2nd Respondent forthwith in so far as Petitioner’s property is concerned pending disposal of the main writ petition and to pass such

IA NO: 3 OF 2025

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 to dispense with certified copy of Memo No. Rc.No.M2/9577/2016, Dt.08/06/2016 issued by 2nd Respondent pending disposal of the main writ petition and to pass such

IA NO: 4 OF 2025

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 permit the Petitioner to amend the prayer sought in the present writ petition by amending the main prayer as follows (the amendment is shown in bold, underline): “65. Main Prayer: In the light of the above said facts it is mostly humbly prayed that this Hon’ble Court may be pleased to

issue a Writ, Order or Direction more particularly one in the nature of Writ of Certiorarified MandamusDeclaring the action of the Respondents in issuing the Memo No. Rc.No.M2/9577/2016, Dt. 08/06/2016 in so far as the writ petitioner property situated in D.No. 63 otKoriteoadu Village. I. Guntur Mandal and District are concerned, all consequential actions taken and contemplated to be taken, to be illegal, arbitrary and unconstitutional as the same is in gross violation Article 14, 300A of the Constitution of India; To quash the Memo No. Rc.No.M2/9577/2016, Dt. 08/06/2016 issued by 2nd Respondent in so far as the writ petitioner property situated in D.No. 63 of Koritepadu Village. Guntur Mandal and District are concerned, as illegal, arbitrary and unconstitutional as the existence of the said Memo tantamounts to overruling the judgements, decrees and orders passed by this Hon'ble Court in various Judgements, To direct the Respondents to forthwith remove the lands in so far as the writ petitioner's properties situated in D.No. 63 of Koritepadu Village. Guntur Mandal and District are concerned III. in the list of prohibited properties in the IGRS website as well as other records maintained by the Respondents; To direct the Respondents to entertain the documents presented for registration by the writ petitioner in so far as his property situated in D.No. 63 of Koritepadu Village, Guntur Mandal and District; IV.To further declare any other consequential Memos or Orders or Directions etcs., which are concealed and not disclosed to the Petitioner as illegal and arbitrary in so far as his property situated in D.No. 63 of Koritepadu Village, Guntur Mandal and District are concerned To pass

Counsel for the Petitioner:

1. UNNAM SRAVAN KUMAR

Counsel for the Respondent(S):

1. A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)
2. GP FOR REGISTRATION AND STAMPS
3. GP FOR ENDOWMENTS

The Court made the following:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 10211/2025

ORDER:-

Heard Sri Unnam Akhil Chowdary, learned counsel appearing for Sri Unnam Sravan Kumar, learned counsel for the petitioner and learned Government Pleader for Endowments, appearing for the respondents.

2. Being aggrieved by the proceedings of the 3rd respondent in placing the subject property (i.e., Flat No.503 & 504, Emgee Residency, Sy. No.63, Koritepadu Village, Guntur) under the prohibited category under Section 22A(1)(c) of the Registration Act, 1908, the instant writ petition is filed.

3. The petitioner has sought consequential directions for the removal of the subject property from the list of prohibited properties and for directing the respondents to entertain the documents that would be presented, for registration.

4. It is contended that the petitioner had purchased the subject property from one M/s. Emgee Value Homes India Private Limited (hereinafter referred to as 'developer'), for valuable consideration vide Registered Sale Deed bearing Document Nos.2918 of 2012 & 2919 of 2012 dated 14-05-2012.

5. The *developer* entered into a Development Agreement-cum-GPA with the *land owners* vide registered document bearing No.2810 of 2010 dated 21-08-2008.

6. The vendors of the land owner, in turn, have purchased the property over an extent of Ac.4.92 cents in Sy.No.63 Koritepadu Village, Guntur vide separate registered sale deeds in 1982 from one Peddinti Kulasekara Ayyangar and others who are legal heirs of one Peddinti Bhavanacharyulu, the successor of the lands.

7. It is contended that orginally one Peddinti Ratnamacharyulu had acquired title over an extent of 96 acres in the subject Sy.No.63. The said Ratnamacharyulu was given a personal grant in his favor by Sri Raja Manuru Venkata Narayanam, Zamindar of Sattenapalli, in the year 1242 Fasli (1822 A.D.), for rendering the Archakathvam in Sri Sita Rama Swamyvari temple, these lands were donated in favor of Peddinti Ratnamacharyulu.

8. It is contended that a civil suit in O.S.No.3 of 1923 on the file Subordinate Judge Guntur, was filed against the said Peddinti family members for a declaration that they are not trustees of the temple and for their removal from the office of Archakathvam and for appointment of trustees. The issue that was framed for consideration in the suit was whether the plaint schedule properties are grants to the suit *deity* or to the defendant *Archak*as burdened with archakatvam service. The said suit was dismissed, observing that the

grants were in favor of the Peddinti Ratnamacharyulu and one Parachuri Apppalacharyulu, burdened with specific service to be rendered to the deity. Against the said judgment and decree, an appeal was filed in A.S.No.321 of 1924 before the High Court of Judicature at Madras. The said appeal was partly allowed. The Madras High Court framed a scheme observing *inter alia* that the archakas cannot be dispossessed from the possession of the lands and they would continue to be in possession of the suit lands and were entitled to lease out the lands. Under the said scheme, the archakas were also treated as trustees on par with the existing trustees of the Endowment. It was contended that the archakas had a right to receive the income derived from the lands, and were entitled to lease out the land to any tenants. Further the archakas were also obligated to maintain the accounts of the gross receipts derived from the lands.

9. It is contended that invoking the provisions of the A.P. (Andhra Area) Hindu Religious and Charitable Endowments Act, 1951, the Endowments Department, raised a demand against the archakas. The said proceedings were challenged by way of suit in O.S.No.89 of 1957 on the file of the Subordinate Judge, Guntur. The said suit was allowed vide judgment and decree dated 31-03-1962, setting aside the notice issued by the Endowments Department, wherein it was observed that Inam was granted to the archakas and not to the deity. Therefore, the plaintiff was not liable to pay any contribution towards the audit fee, etc.

10. Against the said judgment and decree, the Endowments Department, represented by its Commissioner, filed an appeal in A.S.No.148 of 1962 before the District Court, Guntur. The said Appeal Suit was allowed, dismissing the suit vide judgment and decree dated 29-01-1963. Against the said judgment in A.S.No.148 of 1962, the archakas belonging to the Peddinti family filed a Second Appeal before the High Court of Andhra Pradesh in S.A.No.928 of 1963. The High Court vide the judgment and decree dated 18-08-1967 had set aside the judgment and decree passed in AS.No.148 of 1962, by referring to the judgment of the Division Bench in WA.No.21 of 1963, observing that :

> "*In this Second Appeal it is argued by the learned advocate general on behalf of the appellant that the grant in question was continued by a Division Bench of this Court consisting of Justice Manohar Pershad and Justice Kumarayya, in Writ Appeal No.21 of 1963, confirming the judgment of Justice Gopal Rao Ekbote in Writ Petition No.852 of 1961, in which it was held that the lands are granted to the archakas for performing the service and that it is not a grant in favour of the temple. Even as learnt from this judgment which concludes the matter, have also read the relevant documents, namely, the grant and the subsequent letter so long as the sun and the moon of the grantor which clearly show that the inam lands were given to certain named archakas hereditarily to be enjoyed from son to grandson so long as the sun and the moon last and that the grants are intended to meet the expenses of worship and the salaries of the archakas. There is nothing in the said documents to show that the temple is entitled to any part of the income as such. The mere fact that certain services are rendered in the temple does not establish that the grant of the land is in favour of the temple. I therefore agree with the view of the trial Court that the grant of the suit lands was not in favour of the temple and that the*

temple derives no income there from and hence the lands are not subject to payment of the contribution under Section 76 of the Hindu Religious and Charitable Endowments Act. The second appeal is therefore allowed and the decree of the First Court is restored with costs throughout payable by no leave".

11. While things stood thus, the revenue department initiated proceedings under A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956. Thus, an issue was raised whether the subject lands are personal grants or grants to the deity, which culminated in a judgment passed by the High Court in W.A.No.21 of 1964 holding that the Inam was granted in favour of the Peddinti family and are eligible for a grant of Ryotwari Patta in terms of the provisions of Section 4 of the A.P. Inam's Act.

12. It is contended that the Endowments Department filed an O.P. in O.P.No.75 of 1957 on the file of the Subordinate Judge, Guntur, seeking modification of the scheme framed by Madras High Court in A.S. No.321 of 1924 and for the appointment of a non-hereditary trustee to manage the temple lands and for taking over the land from the Peddinti family members. The said O.P. was dismissed as not maintainable

13. The members of the Peddinti family also filed O.P.No.169 of 1962, seeking modification of the scheme framed by the Madras High Court in A.S.No.321 of 1924. The said O.P. was dismissed, and the same was confirmed in the Appeal in A.S.No.506 of 1971. Challenging the same, the members of Peddinti family filed an appeal in L.P.A.No.104 of 1974

dated 09-07-1976, the said L.P.A was allowed by the Division Bench of the erstwhile High Court of A.P. at Hyderabad, holding that:

> *"Having heard the learned advocates at length, we are of the opinion that the contention advanced by Mr. M. Jagannadha Rao must be acceded to. It would be seen that the question involved in S.A.No.928/63 (which arose out of O.S.89/1957) was whether the said Inam was granted to the deity, or to the Archakas. In fact, in 0.S.No.89/1957, of the several issues framed, the first two issues were as follows:-*
>
> *"(1) Whether the Inam was granted to the deity or to the Archakas?*
>
> *(2) Whether the plaintiff is liable to pay any contribution; if so, what is the reasonable contribution?"*
>
> *. Eventually, it was decided by the High Court, as stated above, that the said lands were not granted to the deity, but to the Archakas and, therefore, they were not liable to pay any contribution or audit fee to the Endowments Department. We are of the opinion that this finding, by itself, is enough to hold that the principles of res judicata apply to the latter proceedings, i.e., O.P.No.169/1962. The High Court had given its judgment which is conclusive to the effect that the lands in question were given to the Archakas and not to the temple and, therefore, the Archakas were not bound to pay any contribution. The judgment of Krishna Rao, J. has not been taken up in appeal, either in Letters Patent or before the Supreme Court. Even if the reasoning adopted by Krishna Ráo. J. is not upto the mark, still it is not open to us to enquire into the said reasoning and hold that, since the said reasoning is not correct, his judgment also should fail. We are of the opinion that his judgment is conclusive and it is too late in the day to be disturbed."*

14. After the disposal of the said L.P.A.No.104 of 1974 the members of the Peddinti family started selling the same in favour of prospective buyers after converting them into residential plots.

15. It is contended that the total extent in Sy. No.63 is Ac-18.89 cents. The same was converted into residential plots and sold to prospective buyers. The respondents, despite the series of decrees and judgments passed against them, did not stop in their attempts to claim the subject lands; thus, they issued prohibitory orders to the registration department not to entertain the registration in respect of the subject property. One such act was challenged before the erstwhile composite High Court of A.P. by way of a Writ Petitions in W.P.Nos.6653 of 2011, 25595 & 25638 of 2012. The said Writ Petitions were allowed, observing that having regard to the judgment passed in L.P.A. No.104 of 1974 dated 09-07-1976, neither the temple authorities nor the endowment department can reopen these issues, having regard to the fact that the division bench in L.P.A.No.104 of 1974 had observed that it was too late in the day to disturb the findings recorded in the judgment passed in S.A.No.928 of 1963, thus directed the registration authorities to receive and register the sale documents submitted by the petitioners therein.

16. In the background of the above stated facts, the petitioner has challenged the impugned proceedings issued under Section 22A(1)(c) of the Registration Act, 1908, contending that the subject property was always the absolute property of Peddinti family, thus they had the absolute right to deal

with the same. It is argued that in light of the earlier judgment passed by the High Court, the respondents are not justified in claiming the same as property belonging to the Endowments Department. The learned counsel for the petitioner further refers to a judgment of this Court in W.P.Nos.25595 and 25638 of 2012, wherein an identical action of the authorities was under challenge and the same was set aside.

17. The learned counsel for the petitioner, Sri Unnam Akhil Chowdary, submits that the petitioner had proposed to sell the subject property i.e. Flat No.503 & 504, Emgee Residency, Sy. No.63, Koritepadu Village, Guntur, that he had purchased from the developer; however, in view of the proceedings initiated under Section 22A(1)(c) of the Registration Act 1908, the petitioner is prevented from disposing of the said property. It is argued that the said property was never the property of the Endowments Department, which has been categorically observed by this Court in previous litigations, and in the latest judgment of the High court, it has been once again reiterated that the respondents are not justified in keeping the property in prohibited category in light of the same, the impugned proceedings are unsustainable, grossly in violation of the earlier judgments of this Court.

18. The respondent, Endowments Department filed counter affidavit stating that the grant was in favour of the deity and was never a personal grant to the archakas. Archakas had only the right to enjoy the property in lieu of their services; they never had any right to alienation. As the subject

properties were entered in the register of the temple, maintained under Section 43 of the Endowments Act. The said entry is conclusive proof that the said properties would belong to the temple. And the appropriate authority to decide the issue raised by the petitioner would be the Tribunal constituted under the provisions of the Endowments Act,1987.

19. The learned Government Pleader for Endowments relies on the judgment rendered by a Division Bench of this Court in the case of ***Takkella Lakshminarasaiah Brindavan Gardens Vs. State of Andhra Pradesh***[1]***,*** in W.P.Nos.27655 & 27572 of 2016 and W.P.Nos.39704 & 42318 of 2017 dated 29.11.2019.

20. Considered the submissions

21. The perusal of the impugned proceedings appears to have been issued in a routine and hasty manner, without conducting any basic verification, before notifying the subject lands, as properties of the Endowments Department. Having regard to the fact that as long back as on 18-08-1967 in S.A.No.928 of 1963, this Court had observed that grant was not in favour of the temple and the temple derives no income from the grant. Even before the judgment in the said Second Appeal was delivered, another Division Bench of the High court had also taken a same view in W.A. No.21 of 1964 dated 05-07-1965, and the said judgments were followed by another

[1] 2019 SCC Online AP 200

division Bench judgment in L.P.A.No.104 of 1974 dated 09-07-1976 and the judgment in W.P.Nos.25595 and 25638 of 2012. In the latest judgment in W.P.Nos.25595 and 25638 of 2012, it has been held that :-

> *"It is not in dispute that LPA No.104 of 1974 filed by the Archakas pertained to the subject lands. A copy of the Judgment dated 09.07.1976 passed therein is placed on record. thereof reflects that the Division Bench took note of the fact that S.A.No.926 of 1963 was allowed by a learned Judge of this Court holding that the grant of the land in question was not in favour of the temple. Earlier, when the Archakas filed W.P.No.852 of 1961 before this Court, the same was allowed on 23.09.1963 by a learned Judge holding that the grant was neither to the Deity nor to the Anchakas burdened with service but to the office of the Archakas to serve as emoluments annexed to the office. The learned Judge consequently held that the Archakas were entitled to ryotwari pattas. This order was confirmed in W.A.No.21 of 1964. The order in the Writ Appeal was relied upon by the learned Judge while allowing S.A.No.928 of 1963. The Division Bench therefore held that the principle of res judicata would apply as it had already been decided by this Court that the lands were not granted to the Deity/ But to the Archakas. The Archakas were therefore held not liable to pay any contribution or fee to the Endowments department. The Bench further held that the judgment in S.A.No.928 of 1963 was conclusive and that it was too late in the day to be disturbed. The argument advanced on behalf of the Endowments department that the Endowments Act was rejected by the Division Bench. The LPA was accordingly allowed.*
>
> *In the light of the observations made by the Division Bench in the above LPA as long back as on 09.07.1976, it is not open to the Endowments department to seek to reopen the issue as to the nature and status of the inam granted by Sri Raja Manuri Venkata Rayanigaru. It is now settled that the said inam was granted to the Archakas alone and not to the temple. This Court also held that the*

the Endowinents nature of the grant was such that the Archakas were entitled to Neither the temple ryotwari pattas. therefore seek to reopen these issues at this department can belated stage. As observed supra, the Division. Bench in the year 1976 itself stated that It was too late in the day to disturb the findings recorded in the judgment passed in S.A.No.928 of 1963. More than 37 years having passed since then, this concluded issue is now beyond re-examination.

Given the afore-stated facts, it is not open to the registration and the endowments authorities to continue treating the subject lands as endowment property and introduce a prohibition as to registration of documents relating thereto."

26. In the light of the series of judgments of the High Court, referred *supra,* in respect of the subject lands, holding that the properties cannot be claimed as endowment properties, the respondents are not justified in issuing the impugned proceedings. It is incumbent upon them to check the record before issuing the impugned proceedings. The judgment relied upon by the learned counsel for the respondents is distinguishable on facts.

27. In the light of the foregoing, this Court is of the view that the impugned proceedings in so far as it relates to the petitioner's property is concerned are liable to be set aside. Accordingly it is deemed appropriate to dispose of the Writ Petition with the following observations:

i) Impugned Memo No.M2/9577/2016 dated 08.06.2016, in so far as the same relates to the petitioners' subject property

i.e. Flat No.503 & 504, Emgee Residency, Sy. No.63, Koritepadu Village, Guntur, is set aside.

ii) The respondents are directed to remove the subject property , belonging to the petitioner i.e. Flat No.503 & 504, Emgee Residency, Sy. No.63, Koritapadu Village, Guntur, from the prohibited category under Section 22A(1)(c) of the Registration Act,1908.

iii) The 1st, 2nd & 7th respondents are further directed to receive and process the documents for registration, if any submitted by the petitioner for transfer/alienation in respect of the subject property i.e. Flat No.503 & 504, Emgee Residency, Sy. No.63, Koritapadu Village, Guntur, without reference to the impugned memo.

27. With the above observations, the Writ Petition is allowed. There shall be no order as to costs.

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

JUSTICE KIRANMAYEE MANDAVA

Date:29.06.2026
MVK

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION No.10211 of 2025

Date:29.06.2026
MVK