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APHC010411842025



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

**[3330]**

TUESDAY, THE 7<sup>th</sup> DAY OF JULY 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**WRIT PETITION No. 21542/2025**

**BETWEEN:**

1. PALADUGULA LAKSHMANA RAO, S/o. SURYA RAO, AGED 44 YEARS, OCC: SARPANCH, R/o. CHIDIPI VILLAGE, KOVVUR MANDAL, EAST GODAVARI DISTRICT.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRI. SECRETARY, REVENUE (ENDOWMENTS) DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DIST.

2. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOLLAPUDI, VIJAYAWADA, NTR DISTRICT.

3. THE DISTRICT ENDOWMENTS OFFICER, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT.

4. THE DEPUTY COMMISSIONER, ENDOWMENTS DEPARTMENT, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT.

5. SRI HATAKESWARA SWAMY TEMPLE, CHIDIPI VILLAGE, KOVVURU MANDAL, EAST GODAVARI DISTRICT, REP. BY ITS EXECUTIVE OFFICER.

6. MANKINA VEERAJU, S/o. SATYANARAYANA, R/o. L.D.No. 1-55, CHIDIPI VILLAGE, KOVVUR MANDAL, EAST GODAVARI DISTRICT.

**...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 to issue a Writ or direction or order more particularly one in the nature of Writ of Mandamus declaring the proceedings issued by the 2<sup>nd</sup> respondent Vide Memo.In.Rc.No-COE-L2/18024(32)/18/2025, Dt. 30.05.2025, in granting a lease of agricultural lands, to an extent of Ac.4.81 cents in R.S.No.42/1 of Chidipi Village, belonging to the 5th respondent temple for a period of another three years in favour of the 6th respondent. without conducting public auction as illegal, arbitrary and in violation of G.O.Ms.No. 379, Rev.(Endowments.I), dt. 11.03.2003 and Provisions of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 and Rules made there under and Article 300-A of The Constitution of India and consequently set aside the Memo.in.Rc.No-COE-L2/18024(32)/18/2025, Dt. 30-05-2025 and to pass such other order or orders.

**Counsel for the Petitioner:**

1. SIVA RAMA KRISHNA KOLLURU

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

1. KAPPERA KOTESWARA RAO SC for Endowments, AP Region.

2. MANGENA SREE RAMA RAO

3. GP FOR ENDOWMENTS

**The Court made the following:**

**THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO****WRIT PETITION No. 21542 of 2025****ORDER:**

The present writ petition is filed aggrieved by the action of the 5<sup>th</sup> respondent in entrusting the lease to the 6<sup>th</sup> respondent vide RC No.COE-L2/18024(32)/18/2025 dated 30.05.2025 and to cancel the lease granted to 6<sup>th</sup> respondent on the grounds that very entrusting is contrary to Rules 7 and 8 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (hereinafter referred to as Rules 2003), by declaring the action of the respondents to be illegal, arbitrary and in violation of principles of natural justice. And learned counsel for the petitioner relied on the judgment of erstwhile High Court of Andhra Pradesh in the case of ***Smt. Kuthuri Suryavathi W/o. late Kuthuri Bapi Raju v. The State of Andhra Pradesh***<sup>1</sup>

2. The facts which are germane for the disposal of the Writ petition are that the land admeasuring Ac.481 cents in R.S. No.42/1 of Chidipi village, Kovvuru mandal, belongs to Sri Hatakeswara Swamy Temple and the said land was put to public auction on 08.02.2022, in the said auction, the 6<sup>th</sup> respondent stood as highest bidder for an amount of Rs.2,99,000/- for the entire extent of land admeasuring Ac.4.81 cents and the said lease period came to an end on 30.04.2025. As per the Rules 7 and 8 of Rules 2003, lease shall be awarded through tender-cum-public auction and in no

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<sup>1</sup> (2015) 15 ALD 714

circumstances lease shall granted for more than three (3) years. In the present case, the 5<sup>th</sup> respondent has extended the lease beyond three years in collusion with the 6<sup>th</sup> respondent without conducting public auction, vide proceedings memo in RC No.COE-L2/18024(32)/18/2025 dated 30.05.2025. Hence, the present Writ Petition is filed to cancel the lease granted to 6<sup>th</sup> respondent.

3. The 6<sup>th</sup> respondent filed counter affidavit stating that a further lease of three years from 2025-26 to 2027-28 was granted with a 33% enhancement over the existing lease amount increasing from Rs.2,99,000/- to Rs.3,97,670/-. Apart from this enhancement, the petitioner has dug borewell at his own expenses and with a condition that the same shall be handed over to the temple and the 6<sup>th</sup> respondent agreed for the said condition. Under sub Rule (3) of Rule 3 of Rules 2003, the existing lease holder can be continued in lease subject to enhancement of payment of 2/3 of the market rent in the event of subject land is below Ac.5.00 cents. The present land is a dry land and below five acres and further stated under Rule 8 of the aforesaid Rules 2003, in furtherance it is stated that, upon obtaining permission from the Commissioner of Endowments, the Executive Officer is empowered to extend the lease prior to the publication of the notice under Rule 11 of the 2003 Rules. The Commissioner having granted the required permission in

compliance with the Rules, the petitioner's contentions lack merit and have no legs to stand on, hence prayed to dismiss the writ petition.

4. Learned counsel relied on the judgment in the case of **Ballapu Suresh S/o. Venkateswara Rao v. K. Rama Koteswara Rao**<sup>2</sup>, the purport of the judgment is that an encroacher should be evicted following due procedure of law. It is the 6<sup>th</sup> respondent's contention that he is admittedly in possession of the subject land, and he should not be declared as encroacher and authorities should follow the Rule 5(2) of Rules, 2003, for evicting the 6<sup>th</sup> respondent under Section 83 A.P. Charitable and Hindu Religious Institutions and Endowments (for short hereafter refer as Act 30 of 1987).

5. The 6<sup>th</sup> respondent further contends that under Rule 8 of the 2003 Rules, the Commissioner of Endowments is the competent authority to extend leases beyond three years up to a maximum of six years, with any further extensions requiring government approval. The Commissioner granted the lease extension at the request of the Endowment Executive Officer in accordance with the 2003 Rules; therefore, this action remains within the statutory framework. The exercise of power by the Commissioner under the Act cannot be deemed illegal or lacking jurisdiction. Furthermore, the 6<sup>th</sup> respondent asserts that all lands were acquired through due process and that the fees for the three-year lease

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<sup>2</sup> 2022 1 ALT 95

extension were paid in advance. Finally, it is argued that the present Writ Petition is filed out of personal interest and political motivation and should be dismissed.

6. In this regard it is profitable to extract relevant portion of Rules i.e. Rule 7 & 8:

**“7. Leases by Public Auction:** [(1)(a) All lease shall be by way of Tender-cum-Public Auction on Annual Advance Rental basis and the rent shall be fixed in Cash only.

(b) The executive authority shall conduct Tender-cum-Public Auction compulsorily three months before expiry of existing lease period. The executive authority shall also issue a public notice of ten days to that effect, duly mentioning the upset price fixed basing on prevailing rents in the vicinity.

(c)The Executive Authority is duty bound to take action in all such cases without taking cover under the pretext of awaiting orders from higher authorities.]

[(2) Tenders received, if any, shall be opened before the public at the place of auction after the Public Auction is cover. The highest amount offered in tenders or Public Auction, as the case may be, shall be taken into consideration for the purpose of finalizing the highest bidder.]

(3) The Public auction shall be held at a convenient place in the village where the properties are situated or at such other place as may be decided by the competent authority having regard to all the relevant circumstances.

**8. Lease Period:** (1) No lease shall be granted for a period exceeding three years.

(2)(a) Where it is proposed to grant a lease for a period exceeding the limit specified in such-rule (1), the Executive Authority shall obtain the prior permission of the Commissioner even before causing publication of the Notice under rule-11 of these rules.

(b(i) In the case of long term lease, the Commissioner on receipt of the proposal from the Executive Authority, shall invite objections and suggestions for the proposed long term lease from interested parties through a public Notice published in a vernacular daily having

circulation in the locality. The notice shall specify the date before which such objections and suggestions are to be received.

(ii) The Commissioner shall after considering the objections and suggestions, if any, received may accord or refuse permission for leasing out the land for a period not exceeding six years. If the lease period exceeds six years, the Commissioner shall refer the case to the Government which will pass orders after due consideration.

[(3) Whenever the crops are failed in the locality due to natural calamities, the lease of lands can be extended for a further period of one year for the same rate without enhancement of the rental. Such relief can be extended only when a serious natural calamity occurs and the Government notifies those Mandals as calamity effected Mandals.]

7. The petitioner's counsel contends that, pursuant to Rule 8 of the Rules 2003, leases cannot be extended beyond a term of three-years, and, all leases must be awarded through tender-cum-public auctions based on an Annual Advance Rental duly mentioning the upset price fixed basing on prevailing rents in the vicinity by the Executive Officer. Furthermore, the executive officer is mandated to conduct these auctions three months prior to the expiration of the existing three-year term. The petitioner further asserts that the 5<sup>th</sup> respondent issued a tender notification but intentionally scheduled the auction for Good Friday, a public holiday, thereby preventing the auction from taking place.

8. Writ petitioner therein filed the writ petition asserting that petitioner ancestors are founders of the temple and their ancestor have donated the lands for the benefit of the temple and petitioner is cultivating the said lands and proceeds have been used for the development of the temple.

Subsequently, petitioner has taken the lands on lease and has been paying the lease amount every year. In that manner, the petitioner has been cultivating the lands for the last more than forty years. While so, the notice is issued directing the writ petitioner to evict from the said lands. And it is contended that the petitioner should be evicted as per the procedure as contemplated in the Endowment act 30 of 1987.

9. The contention of the respondents therein is that since the petitioner was not granted any lease in accordance with the Rules, 2003, no manner of right is vested in petitioner to claim continuation of the lease. The impugned notice is validly issued and does not call for interference by the Court.

10. A learned Single Judge of the erstwhile High Court of Andhra Pradesh held that writ petitioner therein is a lessee of temple land and no valid lease exists in favour of petitioner therein. And the petitioner was not thrown out without issuing any notice accordingly dismissed the writ petition. Indeed the judgment is not helpful to the petitioner, if I can say so, if any observations are made in the judgment that is not ratio it is only obiter.

11. Sub rule (2)(a) of Rule 8 of Rules, 2003, outlines that if a lease is proposed exceeding the limit specified in sub-rule (1), the Executive Authority shall obtain the prior permission of the Commissioner, who has the power to extend the lease beyond the period of three years. It is not

denied by the petitioner, that the executive officer has not obtained the necessary permission from the Commissioner Endowment for extending the lease. The purpose of issuing a tender is to invite maximum bids from bidders meeting the technical qualification so that the employer/ tender floating authority to test the most competitive price. In the case on hand, the lease was extended to the 6<sup>th</sup> respondent at an enhanced rate, in-addition, the 6<sup>th</sup> respondent invested significant funds into drilling a borewell. In the present case the writ petitioner has not asserted that he intended to participate in the tender, as rightly argued by the respondents counsel, this is a motivated case. Viewed from any perspective, the writ petition lacks merit and is accordingly dismissed. There shall be no order as to costs.

As a sequel, interlocutory applications, if any, pending in this writ petition shall stand closed.

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**JUSTICE TARLADA RAJASEKHAR RAO**

Date: 07.07.2026

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**Whether the order is:**

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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**THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**W.P.No. 21542 of 2025**

**Date: 07-07-2026**

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