

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CONTEMPT CASE NO. OF 2025

IN


WRIT PETITION NO. 27900 OF 2024

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Date: ~~28-03~~-2025

Amaravati


Counsel for the petitioner

... Respondents

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The address for service of all notices and process on the above named petitioner I tha of his counsel A.Srinath (8752) Advocate, H.NO. 07-22-137, Kunchanapalli, Besides Bank of Baroda, Aravinda Colony, Guntur District, Andhra Pradesh 522501.

For the reasons stated in the accompanying affidavit, it is therefore prayed that this honourable court may be pleased to punish the respondents for wilful disobedience of the undertaking given by them in court in WP No. 27900/2024, dated 10/03/2025, leading to orders of the honourable court dated 10/03/2025, under sections 10 to 12 of the Contempt of Courts Act, 1971 and pass such other further orders as are deemed fit and proper in the circumstances of the case and in the interest of justice.

Date: ~~28-03~~ 2025

Amaravati


Counsel for the petitioner

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HIGH COURT OF ANDHRA PRADESH
CONTEMPT CASE No. of 2025

Between

Dr. Avanigadda Surya Prakash, S/o Late Avanigadda Poornachandra Rao
Occupation: Medical practitioner & Founder Family Member,
Arogya Sadanam and Tapovanam Trusts, aged about 74 years,
R/o H.NO.61- 9/4-1, Ramalayam Street, Poornachandra Nagar,
Krishna Lanka, Vijayawada, Krishna district, Andhra Pradesh. ... Petitioner.

And

1. Sri P.Vinay Chand, S/o Not known to the petitioner,
Principal Secretary : Endowments department
State Secretariat buildings, Velagapudi,
Guntur district, Andhra Pradesh
2. Sri Ramachandra Mohan. S/o Not known to the petitioner
The Commissioner of endowments
State of Andhra Pradesh, Vijayawada, Andhra Pradesh
3. Sri T.V.L.Ramesh Babu, S/o Not known to the petitioner
The deputy Commissioner of endowment, Rama Rao Peta,
Kakinada, Andhra Pradesh
4. Sri Seetharamaiah, S/o Not known to the petitioner
The assistant Commissioner of endowment,
Vijayawada, Andhra Pradesh ... Respondents

AFFIDAVIT

I, Dr Avanigadda Surya Prakash, S/o of Late Avanigadda Poornachandra Rao,
aged about 74 years, occupation: Medical Practitioner, R/O 61-9/4-1,
Raamalayam Street, Poornachandra Nagar, Krishna Lanka, Vijayawada,

Avanigadda Surya Prakash

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Krishna district, Andhra Pradesh having come down temporarily to Amaravati, do hereby state and affirm on oath as follows :

1. I submit that I am the petitioner herein and as such, I am well acquainted with the facts of the case which are detailed below.
2. I submit that I moved the above Writ Petition 27900 of 2024 questioning the interference of the respondents with the immovable landed properties of the two trusts Aarogya Sadanam and Tapovanam, of which I have been declared by the jurisdictional endowment tribunal as being the Founder Family Member entitled to being appointed as a chairman of the trust board of the above trusts questioning their action in attempting to lay a walking track on the trust property's lands.
3. I submit that the respondents through the Commissioner Endowment, Government of Andhra Pradesh filed counter and also orally submitted to the High Court of Andhra Pradesh that there is no proposal for laying of any walking track or any disturbance with the physical features of the trust lands.
4. I submit that this Hon'ble court had noted in its docket orders dated -- that the counsel for the endowment department undertook not to disturb the physical features for the purpose of laying a walking track as the same is not aligned with the objectives of the trusts. When the matter had come up for hearing on 10/03/2025, the contents of the counter affidavit to the effect that no walking track would be laid, and the physical features of the trust lands in question will not be altered was reiterated by the government pleader endowments, where upon the honourable High Court was pleased to record the said submission and dispose of the writ petition number 27900/2024, with the following order, which reads as follows.

Avanigadda Surya Prakash

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The court made the following order.

With the consent of both parties, at the admission stage, the petition is disposed of.

Heard Shri A Srinath, learned Counsel for the petitioner and learned assistant government Pleader for Endowments appearing for the respondents.

It is contented by the petitioner that the official respondents are proposing to lay walking track across the land which belonging to the Shri Avadhuta Aarogya Sadhanam trust and the Avadhuta Tapovanam trusts. The petitioner is a trustee of these trusts.

The respondent number one and two have filed counter affidavit stating that so far no file has been circulated in the government or in the office of the Commissioner, Endowments department regarding the alleged laying of a walking track on land belonging to the trust. Furthermore no orders have been issued concerning the laying of the road.

Recording the submissions in the counter affidavit of the respondents, the writ petition is disposed of, as a grievance of the petitioner is resolved.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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

5. I submit that submission of the endowments department proved to be deceitful and was meant as a tactic to continue the work on laying of a walking track, where in and where by the respondent officials have become puppets in the hands of politicians who are hell bent on encroaching, or otherwise, using the landed properties of the trusts for purpose not aligned to the objectives of the set trusts.

6. I submit that the action of the respondents is wilful wanton and deliberate. The respondents have neither respect for law nor do they attach even a semblance of importance to the undertaken given by themselves to this Hon'ble High Court. The above stated actions show an utter disregard for the majesty of law and is a direct affront on this court.

Avanigadda Surya Prakash

7. I submit that I have caused a notice of contempt of court to be sent by registered post acknowledgement due and have also emailed the said notice to them, the evidence of which is being placed as material papers in the present Contempt petition.

8. I submit that it is possible to uphold the Majesty of law only if the respondents are punished in accordance with section 10 to 12 of the Contempt of Courts Act 1971.

It is therefore prayed that this honourable court may be pleased to punish the respondents for wilful disobedience of the undertaking given by them in court in WP No. 27900/2024, dated 10/03/2025, leading to orders of the honourable court dated 10/03/2025, under sections 10 to 12 of the Contempt of Courts Act, 1971 and pass such other further orders as are deemed fit and proper in the circumstances of the case and in the interest of justice.

Sworn and signed before me on this,
the 27th day of March 2025 in my presence.

Avanigadda Surya Prakash
Deponent

Advocate

VERIFICATION

I, Dr Avanigadda Surya Prakash, S/o Late Avanigadda Poornachandra Rao, aged about 74 years, occupation: Medical Practitioner, R/o 61-9/4-1, Ramalayam Street, Poornachandra Nagar, Krishna Lanka, Vijayawada, Krishna District, Andhra Pradesh, being the person acquainted with the facts, do verify and state that the contents of the above paras are true and correct to the best of my knowledge. Hence, verified on this day, the 27th day of March 2025.

Advocate.

Avanigadda Surya Prakash
Petitioner

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

MONDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE
PRESENT



THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 27900 OF 2024

Between:

Avanigadda Suryaprakash, S/o Late Avanigadda Purnachandra Rao, Occ:
Medical Practitioner, aged about 74 years, R/o H.No. 61-9/4-1, Ramalayam
Street, Purnachandra Nagar, Krishna Lanka, Vijayawada, Krishna district,
Andhra Pradesh.

...PETITIONER

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary Endowments Dept, State Secretariat Buildings, Velagapudi, Guntur District, Andhra Pradesh.
2. The Commissioner of Endowments, State of Andhra Pradesh, Vijayawada, Andhra Pradesh.
3. The Deputy Commissioner of Endowments, Ramarao peta , Kakinada, Andhra Pradesh.
4. The Assistant Commissioner of Endowments, Vijayawada, Andhra Pradesh.
5. Anam Ramanarayana Reddy, Hon'ble Minister for Endowments, Govt of Andhra Pradesh, State Secretariat, Velagapudi, Andhra Pradesh.
6. Gadde Rama Mohana Rao, Hon'ble Member of Legislature, Patamata East, Vijayawada, Andhra Pradesh.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed 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, especially one

in the nature of a mandamus, declaring the action of the respondents in attempting to undertake activities on the land belonging to Arogyasadanam and Tapovanam trusts that are not aligned with the objectives of the trust and consequently desist from treating the lands as government lands as proclaimed by the 5th respondent in his public address on 23/11/2024 as illegal and in violation of the rights of the petitioner under the Andhra Pradesh, charitable and Hindu religious institutions and endowment act, 1987 and article 14, 19, 21 and 300-A of the Constitution of India.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents, especially the respondent 2 to 4 not to permit the use of the subject lands at Patamata Lanka, Vijayawada for indiscriminate public use or for construction of a walking track as planned by the respondents.

Counsel for the Petitioner :SRI. A SRINATH

Counsel for the Respondent No's. 1 to 4: GP FOR ENDOWMENTS

Counsel for the Respondent No's. 5 & 6: ---

The Court made the following ORDER:



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

[3458]

MONDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 27900/2024

Between:

Avanigadda Suryaprakash

...Petitioner

AND

The State Of Andhra Pradesh and Others

...Respondents

Counsel for the Petitioner:

1. A Srinath

Counsel for the Respondents:

1. GP for Endowments

The Court made the following order:

With the consent of both the parties, at the admission stage, the writ petition is disposed of.

2. Heard Sri A.Srinath, learned counsel for the petitioner and learned Assistant Government Pleader for Endowments appearing for the respondents.

3. It is contended by the petitioner that the official respondents are proposing to lay a walking track across the land which belonging to the

Shri Avadhuta Arogya Sadanam Trust and the Avadhuta Tapovan Trust The
petitioner is a trustee of these trusts.

4. Respondent Nos.1 and 2 have filed a counter-affidavit stating that, so far, no file has been circulated in the Government or the Office of the Commissioner, Endowments Department regarding the alleged laying of a walking track on land belonging to the trust. Furthermore, no orders have been issued concerning the laying of the road.

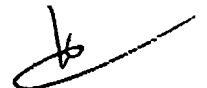
5. Recording the said submission in the counter affidavit of the respondents, the writ petition is disposed of, as the grievance of the petitioner is resolved.

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

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

//TRUE COPY//

Sd/- K. TATA RAO
DEPUTY REGISTRAR



To,

SECTION OFFICER

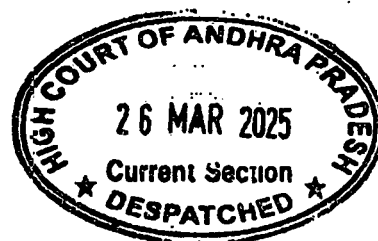
1. The Principal Secretary Endowments Dept, State of Andhra Pradesh, State Secretariat Buildings, Velagapudi, Guntur District, Andhra Pradesh.
2. The Commissioner of Endowments, State of Andhra Pradesh, Vijayawada, Andhra Pradesh.
3. The Deputy Commissioner of Endowments, Ramarao peta , Kakinada, Andhra Pradesh.
4. The Assistant Commissioner of Endowments, Vijayawada, Andhra Pradesh.
5. One CC to SRI. A SRINATH, Advocate [OPUC]
6. Two CCs to GP FOR ENDOWMENTS, High Court Of Andhra Pradesh.
[OUT]
- 7 Three CD Copies

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HIGH COURT

DATED:10/03/2025

ORDER

WP.No.27900 of 2024



DISPOSING OF THE W.P. WITHOUT COSTS

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MEMORANDUM OF WRIT PETITION
(SPECIAL ORIGINAL JURISDICTION)
(UNDER ART. 226 OF THE CONSTITUTION OF INDIA)

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P. NO. 27900 OF 2024

Between:

Dr Avanigadda Suryaprakash, S/o Late Avanigadda
Purnachandra Rao, Occ: Medical Practitioner, aged about 74
years, R/o H.No. 61-9/4-1, Ramalayam Street, Purnachandra
Nagar, Krishna Lanka, Vijayawada, Krishna district,
Andhra Pradesh.

....Petitioner

And

1. The State of Andhra Pradesh represented by its Principal
Secretary Endowments Dept, State Secretariat Buildings,
Velagapudi, Guntur District, Andhra Pradesh.
2. The Commissioner of Endowments,
State of Andhra Pradesh, Vijayawada, Andhra Pradesh.
3. The Deputy Commissioner of Endowments,
Ramarao peta , Kakirada, Andhra Pradesh.
4. The Assistant Commissioner of Endowments,
Vijayawada, Andhra Pradesh.
5. Anam Ramanarayana Reddy,
Honble Minister for Endowments,
Govt of Andhra Pradesh, State Secretariat,
Velagapudi, Andhra Pradesh.
6. Gadde Rama Mohana Rao,
Hon'le Member of Legislature, Patamata East,
Vijayawada, Andhra Pradesh

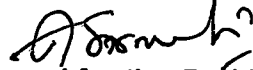
..Respondents

The address for service on the above named Petitioners is
that of their counsel A.Srinath (8752), T. Pradyoth, Kaustubh
Akkiraju, Advocates, 22-07-137, Beside Bank of Baroda,
Kunchanapalli, Tadepalli, Guntur District. -522 501

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For the reasons stated in the accompanying affidavit, it is prayed that this honourable court maybe pleased to issue a Writ or direction or order, especially one in the nature of a mandamus, declaring the action of the respondents in attempting to undertake activities on the land belonging to Arogyasadanam and Tapovanam trusts that are not aligned with the objectives of the trust and consequently desist from treating the lands as government lands as proclaimed by the 5th respondent in his public address on 23/11/2024 as illegal and in violation of the rights of the petitioner under the Andhra Pradesh, charitable and Hindu religious institutions and endowment act, 1987 and article 14, 19, 21 and 300-A of the Constitution of India and pass such other order or further orders as are deemed fit and proper in the circumstances of the case and in the interest of justice.

DATE: 24-11-2024
PLACE: AMARAVATI


Counsel for the Petitioner

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HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P. NO. 27900 OF 2024

Between:

Dr Avanigadda Suryaprakash, W/o Late Avanigadda
Purnachandra Rao, Occ Medical Practitioner,
aged about 74 years, R/o H.No. 61-9/4-1,
Ramalayam Street, Purnachandra Nagar,
Krishna Lanka, Vijayawada, Krishna district, Andhra Pradesh.

....Petitioner

And

1. The State of Andhra Pradesh represented by its Principal
Secretary Endowments Dept : State Secretariat
Buildings, Velagapudi, Guntur District, Andhra Pradesh.

2. The Commissioner of Endowments,
State of Andhra Pradesh, Vijayawada, Andhra Pradesh.

3. The Deputy Commissioner of Endowments,
Ramarao peta , Kakinada, Andhra Pradesh.

4. The Assistant Commissioner of Endowments,
Vijayawada, Andhra Pradesh.

5. Anam Ramanarayana Reddy,
Honble Minister for Endowments, Govt of Andhra Pradesh,
State Secretariat, Velagapudi, Andhra Pradesh.

6. Gadde Rama Mohana Rao,
Hon'le Member of Legislature, Patamata East,
Vijayawada, Andhra Pradesh

..Respondent/s

AFFIDAVIT

I, Dr Avanigadda Surya Prakash^{S/o}, Late Shri Avanigadda Poomachandra
Rao, aged about 74 years; Occupation: Medical Practitioner, resident of
H.No. 61-9/4-1, Ramalayam Street, Purnachandra Nagar, Krishna
Lanka, Vijayawada, Krishna district, Andhra Pradesh, having come

Avanigadda Surya Prakash

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down temporarily to Amaravati, do hereby solemnly state and affirm on oath as follows:

1. I submit that I am the petitioner herein and as such, I am aware of the facts of the case.
2. I submit that I am the recognised founder family member of Shri Avadhuta Arogya Sadanam trust and Avadhuta Tapovan Trust located at Ashram Road, Main Road, Patamata Lanka, Vijayawada, which trusts were created initially by my ancestor Late Sri Seetharama Avadhuta, S/o Avanigadda Vallabha Rayudu in the year 1928. The said registered trusts with periodically modified registered supplementary trust deeds, were established to serve and promote the causes of treatment in Ayurveda, naturopathy, yoga, and other traditional Indian Hindu practices for promoting good health and contributing to alleviating the medical sufferings of people .
3. I submit that the founder member of the trust, who is the ancestor of the petitioner herein undertook all the above stated activities and contributed his entire life savings and efforts towards the discharge of the functions leading to the fulfillment of the trust objectives .
4. I submit that during his lifetime, several landed properties, including nearly 4 acres of land in Patamata Lanka at the heart of Vijayawada town were endowed by the founder trustee for the fulfillment of the objectives of the trust .
5. I submit that upon coming into force the Andhra Pradesh, charitable and Hindu religious institutions and endowments act, 1987 and it's precursor both Sri Avadhuta Aarogyasadanam trust and

Avanigadda Surya Prakash

Avadhuta Tapovan trust were published by the Commissioner of endowment department under section 6 (c) of the said act.

6. I submit that what followed was a spate of litigation questioning the said takeover and for declaration to the effect that the petitioner's father was the hereditary trustee of both the trusts. The same was decreed in OS number 30/1976 on 8/10/1985. The respondent endowment department went on an appeal to the Hon'ble High Court which reversed the said decree and directed the petitioner's father to approach the competent Authority under the Endowment Act, 1987 for seeking such declaration. The petitioner's father also executed a registered will bequeathing the trustee ship of the said trusts to the petitioner in the year 2008. The petitioner's father also moved Writ Petition No 1616/2002 seeking exemption from application of section 15 and 29 of the act 1987, and during the pendency of the said writ petition, he expired leading to the honourable High Court, giving a liberty to the present petitioner to obtain a declaration from the competent authority to the effect that he is the founder family member. The result was the decree obtained by the petitioner on 25/3/2023 in OA number 117/2011 to the effect that he is the founder family member which entitled him to be the chairman of the trust as per the ratio laid down in Supreme Court ruling in Pannalal Bansal, Pitti and others versus state of Andhra Pradesh and another (1996) 2 SCC 498. All the above facts are being stated only for the purpose of putting on record the brief history of the issue and not for any other reason linked to the prayer sought in the present writ petition.

7. I submit that pursuant to the efflux of time from when the endowments were taken over by the department, promulgation of act 30 of 1987, inter alia abolishing the concept of hereditary trustees, nothing whatsoever was done by the endowment department right from 1970

Avanigadda Surya Prakash

onwards to further the objectives of the trusts. Part of the land belonging to the trusts was encroached, illegally and what remained as on today has captured the attention of land sharks, politicians who started with their nefarious designs to appropriate the said land in the heart of the town which has seen exponential rise in the land values.

8. I submit that when one such attempt was made in the year 2015 to open a walking track by the local corporator aided by the local MLA. The petitioner had to move this honourable court in WP No. 6839/2016 seeking mandamus not to use the property for any construction activity, not related to or concerned with the objectives of the trust. The said writ petition is pending with a direction to the respondents to file and undertaking in court that the lands of the trust shall not be used for any activity, not related with the furtherance of the objectives of the trust, which he was directed to file within two weeks of such order dated 2/3/2016. No such undertaking was filed till today, and the above Writ remains pending even as today.

9. I submit that the present Writ is necessitated as the respondents are again proposing to open up the land belonging to the trust of which the petitioner is a founder family member with the proposal of opening up a walking track, which is against the objectives of the trust over the last 10 days, the respondents including the local legislator and the minister for endowment who have been made parties have visited the subject site and released press statements to the effect that upon oral instructions, the lands of the trust have been opened up for general public to be used as walking tracks which is against objectives of the trusts. The petitioner submits that the Hon'ble Minister who has been pursuing this matter at the instance of the local legislator and corporator is not appraised properly by the officials as to the requirements under the law leading to this situation. The petitioner does not intend to cast

Avanigadda Suresh Prakash

any aspersions on the motives of the Minister or the Legislator but has chosen to make them parties as they should be made known in their personal capacities as to the requirements of the law in undertaking the present exercise of not only throwing open the land belonging to the trusts to the public indiscriminately or for creating any source of income for the government which cannot be the purpose for which the trusts are created. The petitioner is also filing paper clipping and photographs, showing markings being made and constructions being done on the subject site, which are again clearly in violation of the objectives of the trust. I submit that the above actions go to show that the action of the state government / endowment minister are not in consonance with the objectives of Aarogyasadanam and Tapovan Trusts, more so since on 23/11/2024, the honourable minister arrayed as Party respondent has also spoken on the need to generate income for the government from the lands belonging to the trusts. The action of the respondents is assailed on the following among other

GROUND.

- A. The respondents are not permitted under the law to treat the land of the trust as government land.
- B. The lands belonging to the trust, under the law, can only be used for the furtherance of the objectives of the trust.
- C. The creation of a source of income for the government from out of the trust lands treating the land as government land is in violation of the Act of 1987.
- D. The petitioner is an interested person having been declared as member of the founder family under the relevant legislation by the competent tribunal and is fully entitled to raise objections on the actions

Aravindar Sanyal Prakash

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of the respondents which the respondents are bound to address before initiating any action on the trust lands.

E. Any other ground that may be urged at the time of hearing.

10. The petitioner submits that he has not filed any other petition or writ or case in any other forum for the relief sought in the above writ petition.

11. The petitioner further submits that this petition under article 226 of the Constitution of India is the most efficacious remedy available to him under the law.

12. The petitioner further submits that if this Hon'ble court does not interdict in the matter and grant relief sought by the petitioner, the petitioner stands to suffer irreparable damage to his interest.

For the reasons stated in the accompanying affidavit, it is prayed that this honourable court maybe pleased to issue a Writ or direction or order, especially one in the nature of a mandamus, declaring the action of the respondents in attempting to undertake activities on the land belonging to Arogyasadanam and Tapovanam trusts that are not aligned with the objectives of the trust and consequently desist from treating the lands as government lands as proclaimed by the 5th respondent in his public address on 23/11/2024 as illegal and in violation of the rights of the petitioner under the Andhra Pradesh, charitable and Hindu religious institutions and endowment act, 1987 and article 14, 19, 21 and 300-A of the Constitution of India and pass such

Avanigadda Surya Prakash

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other order or further orders as are deemed fit and proper in the circumstances of the case and in the interest of justice.

Pending disposal of the above petition it is further prayed that this honourable court may be pleased to direct the respondents, especially the respondent 2 to 4 not to permit the use of the subject lands at Patamata Lanka, Vijayawada for indiscriminate public use or for construction of a walking track as planned by the respondents and pass such other order or further orders as maybe deemed fit and proper in the circumstances of the case and in the interest of justice.

Avanigadda Surya Prakash

last page corrs.

Deponent

Solemnly and sincerely affirm this
the day of 24-11-2024
and signed his name in my presence.

BEFORE ME

ADVOCATE :: AMARAVATI

VERIFICATION STATEMENT

I, Dr Avanigadda Surya Prakash^{slp}, Late Shri Avanigadda Poornachandra Rao, aged about 74 years, Occupation: Medical Practitioner, resident of H.No. 61-9/4-1, Ramalayam Street, Purnachandra Nagar, Krishna Lanka, Vijayawada, Krishna district, Andhra Pradesh, being the petitioner/ person acquainted with the facts, having come down temporarily to Amaravati, do hereby verify and state that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge. The above contents are typed under my instructions and same are read over and explained to me in vernacular language. Hence verified at AMARAVATI on this the day of 24-11-2024

Advocate

Avanigadda Surya Prakash

Deponent

**IN THE HON'BLE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATHI
W.P.No.27900 OF 2024**

BETWEEN:

Dr Avanigadda Suryaprakash,
S/O Late Avanigadda Purnachandra Rao
Occ: Medical Practitioner,
Aged about 74 years, H. No:61-9/4-1,
Ramalayam Street, Purnachandra Nagar,
Krishnalanka, Vijayawada, Krishna District,
Andhra Pradesh.

..... Petitioner

AND

1. The State of Andhra Pradesh,
rep., by its Principal Secretary,
Endowments Department, A.P.
Secretariat Velagapudi, Guntur District.
2. The Commissioner of Endowment,
Government of Andhra Pradesh,
Vijayawada.
3. The Deputy Commissioner of Endowments,
Ramaraopeta, Kakinada Andhra Pradesh
4. The Assistant Commissioner,
Vijayawada, Andhra Pradesh.

(The petitioner has not pressed this case against Respondent
Nos:5 & 6 on 29-11-2024)

..... Respondents

**COUNTER AFFIDAVIT SUBMITTED ON BEHALF OF 1ST & 2ND
RESPONDENTS:-**

I, S.Satyanarayana, I.A.S., S/o late Taviti Naidu, Hindu, aged 59
years, Occ. Commissioner, Endowments Department, A.P., Gollapudi,
Vijayawada and Secretary to the Government, Revenue, (Endowments)
Department, (FAC), A.P., Secretariat, Amaravathi do hereby solemnly
affirm and sincerely state on oath as follows.

Ananth
ATTESTOR

**Gazetted Superintendent,
Endowments Department,
Gollapudi, Amaravathi.**

Jay
DEPONENT
Commissioner
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.
In presence of
Investigating Officer

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2) It is submitted that I am working as Commissioner, Endowments Department, A.P., and holds the post of Secretary to the Government, Revenue, (Endowments) Department, A.P., Secretariat as full Additional Charge and that I am first and second respondents in this writ petition and as such well acquainted with the facts of the case. I have read and understood the averments of affidavit of the petitioner filed in support of this writ petition. I deny all material averments made therein except those which are specifically admitted hereunder and those that are not contrary to records. The petitioner is put to strict proof of the same.

3) It is submitted that the petitioner filed this writ petition for an order one in the nature of writ of mandamus declaring the action of the respondents in attempting to undertake activities on the land belonging to Arogyasadnam and Tapovanam Trusts that are not aligned with the objects of the Trust and consequently desist from treating the lands as Government Lands as proclaimed by the 5th respondent in his public address on 23-11-2024 as illegal and in violation of the rights of the petitioner under AP C & H R I and Endowments Act, 1987 and Articles 14, 19, 21 and 300 A of the Constitution of India. This writ petition is not maintainable either on facts or in Law.

Ananth
ATTESTOR

Gazetted Superintendent,
Endowments Department,
Gollapudi, Amaravathi.

DEPONENT
Commissioner

Endowments Department,
Arogyasadnam Trusts,
Gollapudi, Amaravathi.

4) At the outset, it is submitted that this writ petition is bad for non-joinder of proper and necessary party as the petitioner did not add Sri Avadhutha Arogyasadnam Trust, Patamatlanka, Vijayawada represented by Executive Officer, to which the subject land of this case belongs, as one of the respondents in this case. In the absence of the above charitable institution as a party to the case on hand, the issues involved in this case may not be adjudicated effectively and conclusively. On this ground alone, this writ petition is liable to be dismissed in limine.

5) It is further submitted that the petitioner did not mention the details of landed property such as extent, Sy.No, Location etc., for which the reliefs against the respondents sought for in this Writ petition. The petitioner has simply referred the property of this case as "The land belonging to and Tapovanam Trusts". With the above mentioned details, it is highly impossible to identify the property for which this writ petition is filed. The Hon'ble Courts are expected from the Writ petitioner regarding identification details of the property of the case as the orders, if any passed, should not be remained un-executable for want of identification of the property on ground. In other words, the Hon'ble Courts should not pass un-executable orders. On this ground also, this writ petition is not maintainable. Consequently, this writ petition is liable to be dismissed for want of description of the case property.

Ananth
ATTESTOR

Gazetted Superintendent,
Endowments Department,
Gollapudi, Amaravathi.

DEPONENT

Commissioner
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.

6) It is further respectfully submitted that the petitioner filed this writ petition in his individual capacity and as such not maintainable. No cause of action arose to the petitioner in his individual capacity to file this writ petition by invoke Writ jurisdiction under article 226 of the Constitution of India. Consequently, this writ petition is liable to be dismissed for want of cause of action to the petitioner.

7) It is humbly submitted that one Seetharama Avadhutha, S/o. Avanigadda Vallabharayudu is the adopted son of Mode Lakshmipathi and as such Seetharama Avadhutha is no more a Member of "Avanigadda" Family and he became a Member of "Mode" family. The said Mode Seetharama Avadhutha, has succeeded the estate from Mode Lakshmipathi after his demise and thereafter developed the properties. Mode Seetharama Avadhutha has constructed a building having rooms with donations besides his earnings and started two charitable institutions namely 1) Sri Avadhutha Arogyasadnam Trust and 2) Sri Tapovanam Trust by executing two registered trust deeds dated 16-7-1947 and 15-4-1951 respectively by mentioning the objects of the trusts and details of properties dedicated by him for the said purpose and initially run Nature Cure hospital by utilizing those rooms for treatment to the patients by nature cure proces. He also constructed a building having rooms at Governorpeta, Vijayawada

Ananth
ATTESTOR
 Gazetted Superintendent,
 Endowments Department,
 Gollapudi, Amaravathi.

10/11
DEPONENT
 Commissioner
 Endowments Department,
 Gollapudi, Amaravathi,
 Gollapudi, Vijayawada.

and leased out the same, belonging to Tapovanam Trust. After creation of the said two trusts, Seetharama Avadhutha, himself, used to look after the management of the said Charitable institutions besides treating the patients by Naturopathy i.e., mattisnamam, thotisnamam etc. Seetharama Avadhutha has executed supplementary trust deeds dated 17-11-1948, 16-4-1951 and 20-3-1958. Lastly he executed a registered consolidated deed under Document No.2668/1963 on 22.10.1963 narrating all real facts and by cancelling all the previous supplementary documents which were brought into existence by the decedents in the family of Avanigadda Chinna Basavaiah by coercion and fraud. Later, he died at the age of 85 years in the year 1965. After death of Seetharama Avadhutha, one Pingali Narasimha Rao came into management of the trusts. Later by way of a compromise in O.S.No:22 of 1964, Valluri Poornachandra Rao became the managing trustee of the trusts. Hence, the family members of "Avanigadda" including the petitioner herein cannot reagitate the matter and they are estopped to reopen the matter and the said compromise decree operates as Respondent-judicate against the petitioner herein or the members of "Avanigadda" family to claim Trusteeship of both the trusts above.

8) It is further submitted that both the above trusts were registered under section 38 of the Act 17/1966 and published U/Sec.6 (c) (i) of Old Act 17 of 1966 vide Sl.No.106 and 107 in the

Ananth
ATTESTOR

Gazetted Superintendent,
Endowments Department,
A.P. Amaravathi.

DEPONENT

Commissioner,
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.

proceedings of Commissioner of Endowments vide Rc.No.J3/11640/1969, dt.22.07.1969. Both the trusts are also republished under section 6(c)(i) of the present Act 30/1987 which is came into existence by replace the Old Act 17 of 1966. Sri Avadhutha Arogyasadnam Trust was registered under section 43 of the Act of 1987. Thus, both the trusts above are under the administrative control of the Endowments Department. Undoubtedly, in view of objects of both the trusts, those trusts are Charitable Institutions for the benefit of public at large. In view of the above, both the trusts are Public Charitable Institutions and they are under the management of an Executive Officer from 1970-71 onwards.

9) It is further submitted that while the above trusts were under the management of Fingali Narasimha Rao, one Avanigadda Pournachandra Rao and his elder brother Avanigadda Pandu Ranga Rao together filed O.A.No.65/1971 before the Deputy Commissioner, Endowments Department, Vijayawada under Section 77 of the Act 17/1966 to declare them as trustees to the Trusts above. After enquiry, the said petition was dismissed on 31-3-1975 by the Deputy Commissioner. Aggrieved by the same, father of the petitioner and his brother filed O.S. No.30/1976 before the Hon'ble District Judge Krishna at Machilipatanam U/Sec.78 of the Act 17 of 1966. The said suit was allowed by order dated 08-10-1985

Ananth
ATTESTOR
Gazetted Superintendent,
Endowments Department,
Gollapudi, Amaravathi.

Jag
DEPONENT
Commissioner
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.

setting aside the order of the Deputy Commissioner in O.A. No.65/1971 dated 31-3-1975 and declare Avanigadda Poornachandra Rao as Hereditary trustee for both the trusts. By that time, the trusts are under the management of an Executive Officer appointed by the Commissioner of Endowments. The decree in O S No.30/1976 dated 8-10-1985 was challenged by the Endowments Department by filing A S No:1633/1986 before the Hon'ble High Court at Hyderabad. The said appeal was allowed on 21-02-1997 with observations mentioned therein and set aside the judgement in O S No.30/1976 dated 08-10-1985 of the District Court, Machilipatnam.

10) It is further submitted that Avanigadda Poornachandra Rao obtained founder family member orders from the Assistant Commissioner, Endowments Department, Vijayawada in Rc.No.A1/7416, dated 06.01.1998. By that time, as per the provisions of Act 30 of 1987, the Deputy Commissioner is the competent authority to recognize or otherwise of any person as member of founder family to any Institution. Hence, on the face of the orders of Assistant Commissioner, Endowments Department, Vijayawada dated 06.01.1998, relied by Avanigadda Poornachandra Rao, are invalid under law.

11) It is further submitted that the Government vide Memo No.60370/E IV(1)/2001 dated 20-12-2001 has rejected the exemption of operations of Section 15 & 29 of the Act 30/1987 to

Ananth
ATTESTOR
Gazetted Superintendent,
Endowments Department,
Chilapudi, Amaravathi.

DEPONENT
Commissioner,
Endowments Department,
Chilapudi, Vijayawada.

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the above trusts. Aggrieved by the same, Avanigadda Poornachandra Rao, the father of the petitioner, herein, filed W.P.No:1616/2002 and the same was disposed off on 12-11-2008 on the ground that the Writ petitioner therein was not a founder family member of the trusts and as such, he has no locus standi to challenge the Government Memo.

12) It is further submitted that the petitioner herein filed O A No.79/2008 before the A.P. Endowments Tribunal under section 37(1)(h) of the Act 30 of 1987 and subsequently withdrawn the same and later again filed O.A.No:117/2011 before A.P Endowments Tribunal under section 37(1) (h) of the Act 30/1987 to recognize him as member of founder's family of both the trusts. The petitioner is claiming that he was recognized as Founder Family Member to both the trusts by rely on the orders of Endowments Tribunal dated 25-03-2023 in O.A. No:117/2011. This respondent is not admitting the averment of the petitioner that he is a recognized founder family member of the trusts as he came to know the result of O.A.No.117/2011 of Endowments Tribunal after receive copy of this Writ Petition and enclosures. In view of compromise effected in O.S.No.22 of 1964, the petitioner herein cannot be recognized as member of founder family of the trusts in question (the effect of compromise in O.S.No.22 of 1964 was discussed by the Deputy Commissioner,

Ananth
ATTESTOR

Gazetted Superintendent,
Endowments Department,
Gollapudi, Amaravathi.

Jag
DEPONENT
Commissioner
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.

Endowments Department, Vijayawada in the order in O.A.No.65 of 1971, dated 31.03.1975). Hence, this respondent is now taking steps to issue necessary directions to the Assistant Commissioner concerned and the Executive Officer of trusts above to challenge the orders in O.A.No.117/2011, dated 25.03.2023 of the Endowments Tribunal as per provisions of the Act of 1987.

13) It is further submitted that in pursuance of Tribunal order in O A No.117/2011 dated 25-3-2023, the petitioner has not administered the oath of office and secrecy as trustee to both the trusts till so far. Moreover, the petitioner is not attending the Trusts and not discharging his duties as founder family Member/trustee of both the trusts above till so far. For this reason, may be, the petitioner filed the present case in his individual capacity and not as Founder Family Member of both the Charitable institutions.

14) It is further submitted that the petitioner herein has already filed W.P. No 6839/2016 before this Hon'ble court against official respondents herein and others for the same subject property of this case for a writ of mandamus declaring the action of respondents therein in proposing to construct a building in the trust property of both the trusts contrary to the objects of the trusts as illegal and contrary to provisions of the Act and the same is pending.

Ananth
ATTESTOR

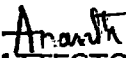
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Endowments Department,
Gollapudi, Amaravathi.


DEPONENT
Commissioner
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.

15) It is further submitted that the petitioner herein has also filed W P.No.28713/2015 before this Hon'ble court against official respondents herein and another for the same subject property of this case for a writ of mandamus declaring the action of respondents in removing trees, old structures, buildings, tombs of founder of the trustees as illegal and arbitrary and further direct the respondents therein to safe guard the trust land from land grabbing and any other activity other than the trust activities (i.e., other than objects of the trusts) and the same is pending.

16) It is respectfully submitted that the claim of the petitioner in W P.No.28713/2015 and W P.No.6839/2016 before the Hon'ble Court for the same subject property of this case is for a direction to the official respondents to safe guard the landed property of the trusts from encroachments and use the trusts' property for the objects of the trusts only and not otherwise than the objects of the institutions. Both the trusts above are under the control of Assistant Commissioner/District Endowments Officer, Vijayawada, NTR District and under the management of an Executive Officer. The property exists to the Trusts as on the date of control of the Endowments Department is safe.

16) It is further submitted that Sri Avadhutha Arogya Sadanam Trust, Patamatalanka, Vijayawada is endowed with land to an extent of


ATTESTOR
Gazetted Superintendent,
Endowments Department,
Gollapudi, Amaravathi.


DEPONENT
Assistant Commissioner,
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.

Ac.1.39 ½ Cts in Rs.no.33/4 at Patamatalanka. In the part of above extent of land, there was a building having rooms, which were utilized for treatment to the patients by nature cure process during lifetime of Seetharama Avadhutha. After his demise also, the said practice was continued for some period. Since the said building was under dilapidated condition, no treatment was carried out. Some rooms portion in the said building was collapsed. As per instructions of the then Commissioner in the year 2016, a proposal was submitted for construction of a building by sanctioning an amount of Rs 1.00 Crore from Common Good Fund (CGF) to use the said building to meet the objects of the trust. Accordingly, remaining rooms portion in the building portion belongs to Sri Avadhutha Arogya Sadanam Trust, Patamatlanka, Vijayawada was dismantled. At that stage, the petitioner herein filed W P.No.6839/2016 with a plea not to construct a building as it is against objects of the trust. Hence, the said portion of land is kept vacant. The petitioner alleged that on considering the request of public at large in the vicinity through 6th Respondent, the 5th respondent announced to use the said vacant land of the trust for walking track and to safeguard the trust's property from encroachments. It is submitted that so far, no file is circulated in the Government or in the Office of the Commissioner, Endowments Department regarding alleged laying of walking track in the trust's land,

Anantha
ATTESTOR

**Gazetted Superintendent,
Endowments Department,
Gollapudi, Amaravathi.**

[Signature]

DEPONENT

**Commissioner,
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.**

in pursuance of press announcement of the 5th Respondent. Consequently, no orders for laying walking track are passed in this matter by the 1st and 2nd Respondents. Under these circumstances, this Writ Petition is liable to be dismissed as pre-matured one.

17) It is respectfully submitted that whenever the official respondents are trying to develop the property of the trusts and to carry out its objects, the petitioner herein has unnecessarily filing Writ Petition after Writ Petition for the same subject property belongs to the trusts with a view to put obstacles to the actions of the official respondents and to knock away the property of the trusts by colluding with his cousins. On one hand, the petitioner filed O.A.No.117/2011 before Endowments Tribunal to declare him as member of founder family of both the trusts in question admitting that these trusts are Public Charitable Institutions and they are under the administrative control of Endowments Department. On the other hand, the petitioner herein has setup his cousin by name Avanigadda Sai Prasad, S/o.Dharma Rao and got filed O.A.No.597/2017 before the A.P. Endowments Tribunal U/Sec.87 of the Act of 1987 declaring the notifications issued by Commissioner, Endowments Department vide Sl.No.106 and 107 in Rc.No.J3/11640/1969, dated 22.07.1969 against Sri Avadhutha Arogya Sadanam Trust and Sri Tapovanam Trust, Padamatilanka, Vijayawada as illegal and arbitrary and further to declare the said trusts are private trusts and that the petition

Ananth
ATTESTOR
Gazetted Superintendent.
Endowments Department,
Gollapudi, Amaravathi.


32
DEPONENT
Commissioner
Endowments Department,
A.P. Amaravathi.
Gollapudi, Vijayawada.


schedule properties therein are not endowed properties and those are private trust properties. The petitioner herein if really not colluded with his cousin Avanigadda Sai Prasad, he should file an implead petition in O.A.No.597/2017 before Tribunal to oppose the claim of the petitioner therein i.e., Avanigadda Sai Prasad and to safeguard Public Charitable Institutions and its properties. But, the petitioner herein did not do so. All these facts are enough to say that the petitioner herein is acting in detriment to the interest of the trusts, which are undoubtedly Public Charitable Institutions and to knock away those properties.

18) It is submitted that the petitioner is not made out a prima facie case in support of reliefs sought for in this writ petition. Consequently, this Writ Petition is liable to be dismissed for want of merits.

19) In view of the above facts and circumstances, it is, therefore, prayed that the Hon'ble Court may be pleased to dismiss the Writ Petition as devoid of merits and pass such other order/orders as this Hon'ble Court may deem fit and proper in the circumstances of the case to meet ends of justice.

Sworn and signed before me on
this the day of December, 2024
at Vijayawada.


DEPONENT
Commissioner
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.



ATTESTOR
Gazetted Superintendent,
Endowments Department,
Gollapudi, Amaravathi.

VERIFICATION STATEMENT

I, S.Satyanarayana, I.A.S., S/o late Taviti Naidu, Hindu, aged 59 years, Occ. Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada and Secretary to the Government, Revenue, (Endowments) Department, (FAC), A.P., Secretariat, Amaravathi, do here by verify and stated that the contents stated in the above paras are true and correct to the best of my knowledge belief and information.

Verified on this the day of December, 2024 at Amaravathi.


G.P. FOR ENDOWMENTS


DEPONENT
Commissioner
Endowments Department,
A.P. Amaravathi,
Gollapudi, Vijayawada.



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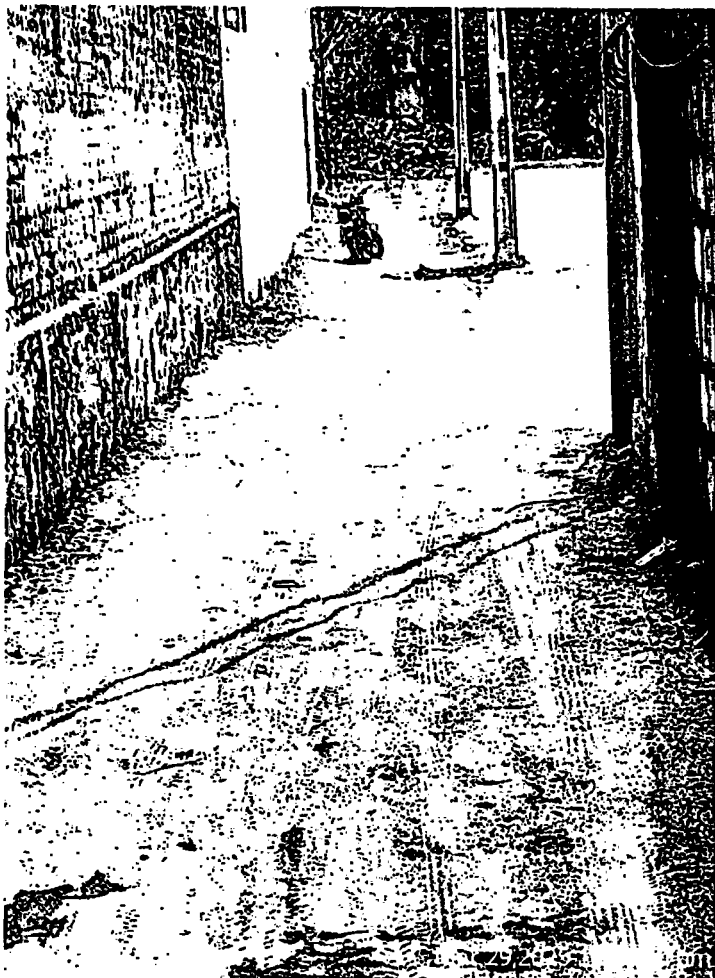




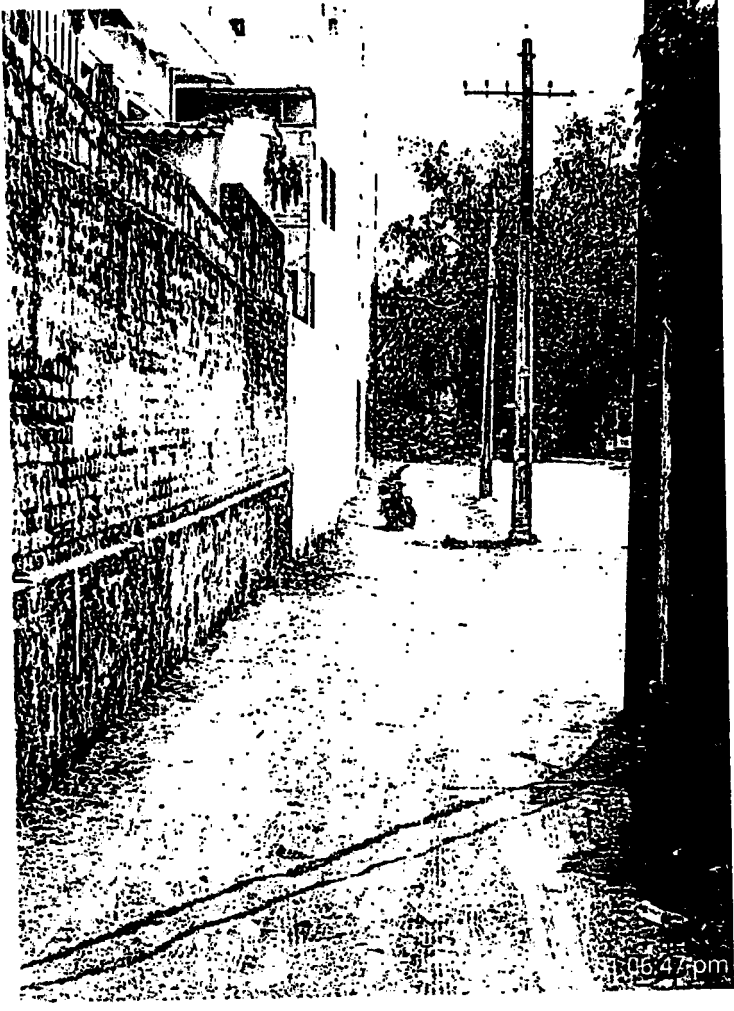
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29-3-25 న విడిగ వారికి ట్రాక్ ఫాలో

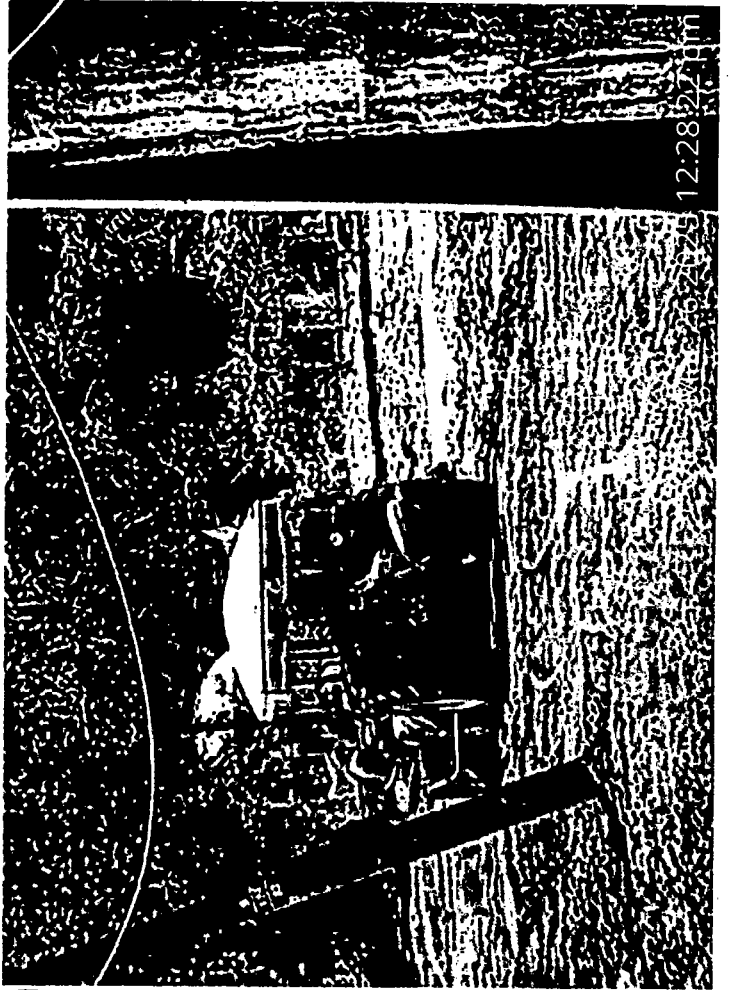
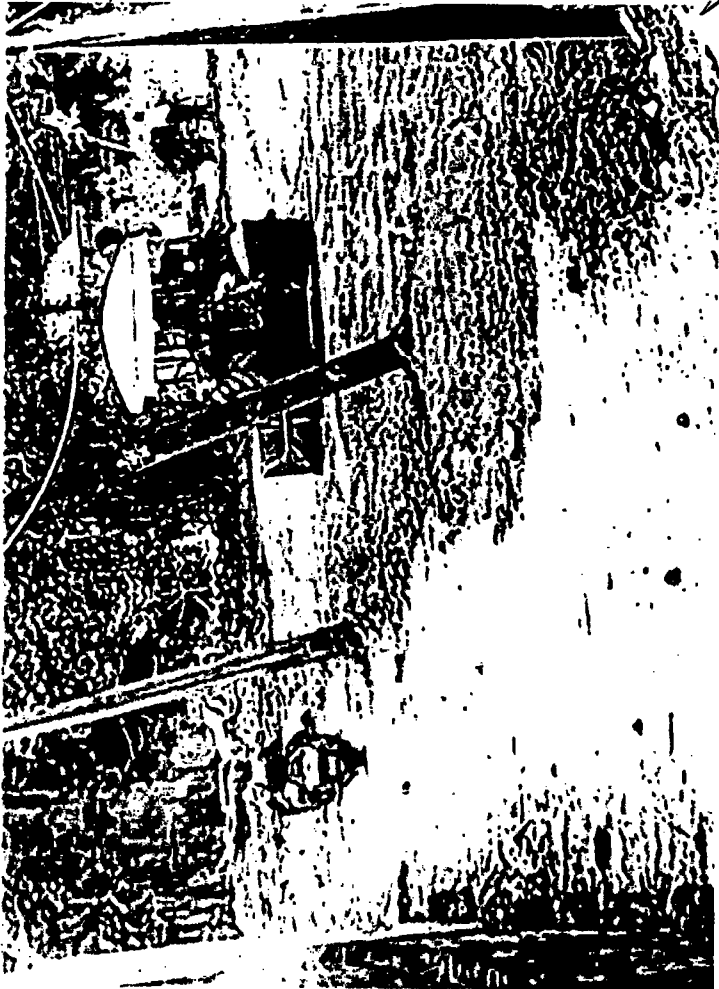


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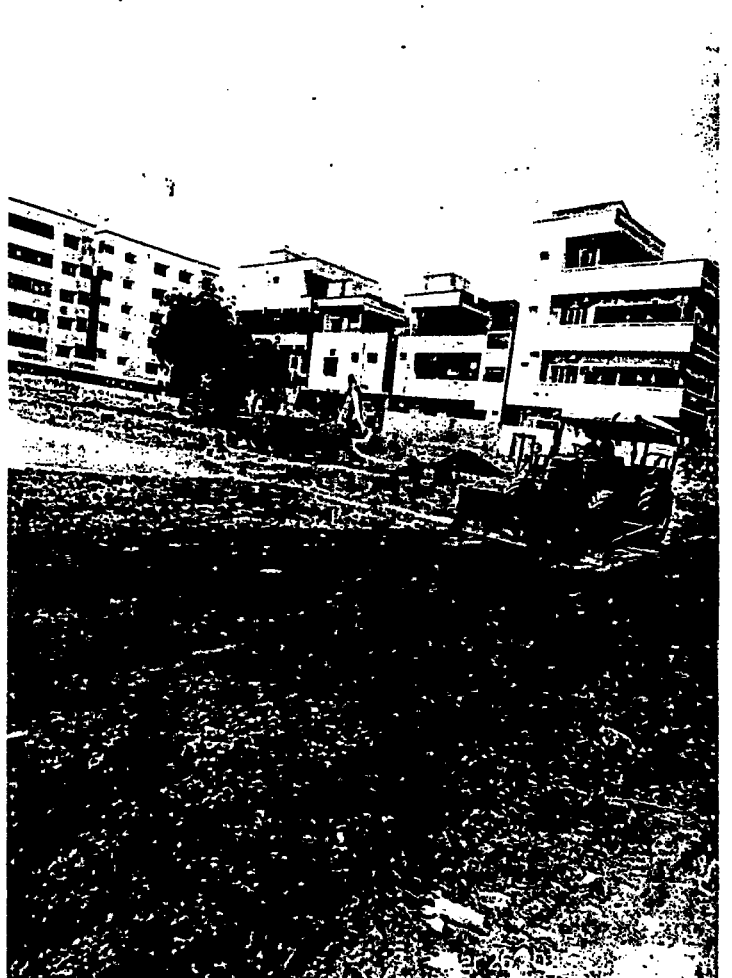
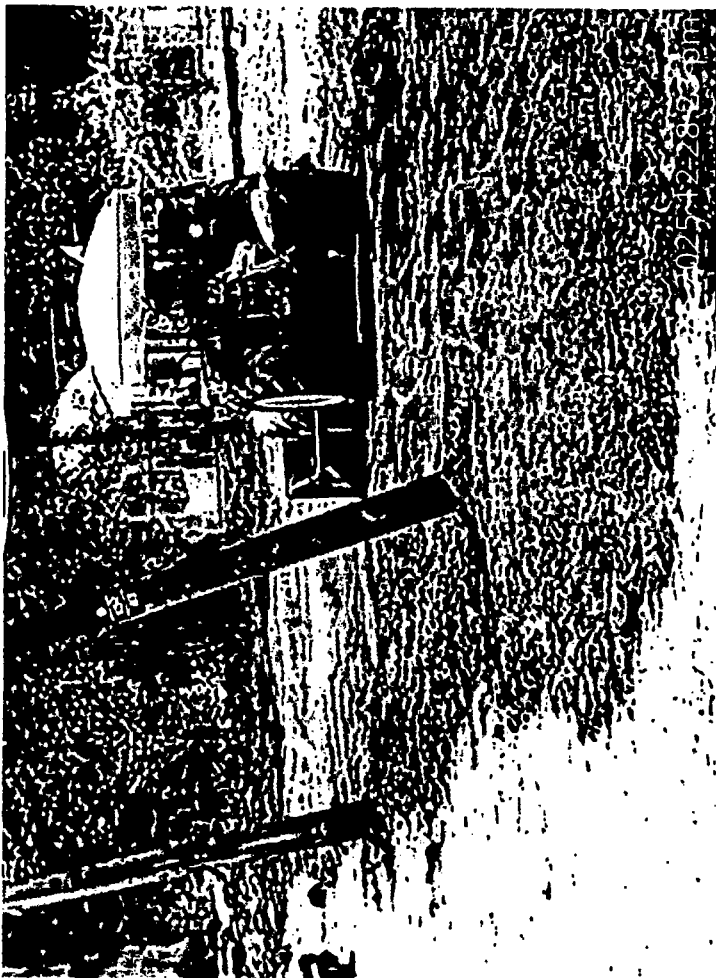


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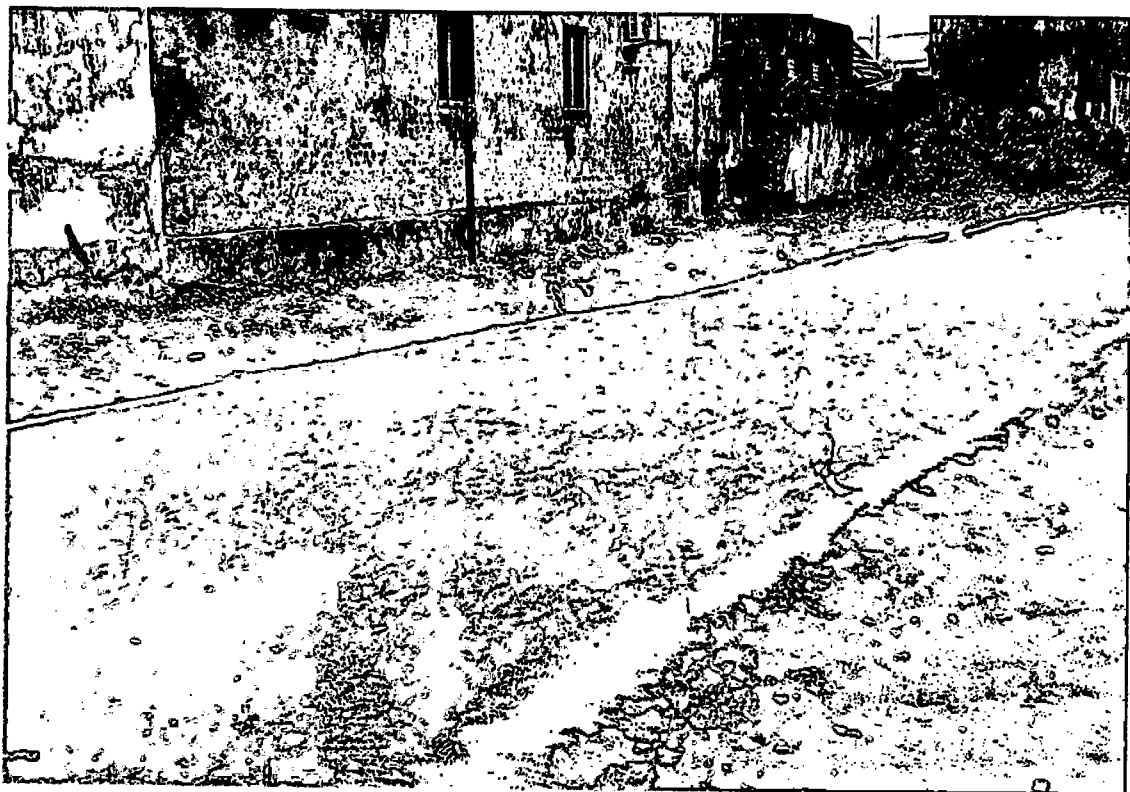




26-3-25 న చీ సీఎస్ వారింగ్ ట్రాక్ ఫాదర్లు.



42



From,

A.Srinath (8752)
Kaustubh Akkiraju, Advocates,
22-7-137, Besides Bank of Baroda,
Kunchanapalli, Guntur district. AP, 522 501

43
Dt 25-03-2025

Mob-9160020624

SENT BOTH BY RPAD AND EMAIL

To,

1. The Commissioner,
Endowments Dept, Govt of Andhra Pradesh
GOLLAPUDI, VIJAYAWADA AP PIN CODE- 521225
2. The Assistant / Dy Commissioner of Endowments
Ramaraopet, Kakinada, Andhra Pradesh.
3. The Executive Officer,
In Charge of Aarogyasadanam and Tapovanam Trusts, Chilakalapudi,
.. Nilipatnam, Andhra Pradesh

On behalf of and under the instructions of our client, Dr. Avenigadda Surya Prakash, resident of H.No. 61-9/4-1, Ramalayam Street, Purnachandra Nagar, Krishna Lanka, Vijayawada, Krishna District, Andhra Pradesh, we do give you the following legal notice, complaining of **CONTEMPT OF COURT**, the contents of which are as here under.

1. That our client had moved Writ Petition No. 27900 of 2024 in the Hon'ble High Court of Andhra Pradesh complaining of unauthorised and illegal interference with immovable properties of two of the trusts created by his fore fathers, namely Aarogyasadanam trust and Tapovanam trust by taking up alterations and attempted laying of walking tracks in located at paramata Lanka of Vijayawada city.

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2. That in the said above stated Writ petition, addressee No.1, i.e., you have filed a counter, saying that there is no proposal to undertake laying of walking track or for any other use duly committing the same in writing. You have also undertaken in the court that there is no such scheme of interference in the court. This honourable High Court of Andhra Pradesh vide orders dated 10-03-2025 closed the Writ Petition No. 27900 of 2024 duly observing these Comments that nothing is planned to be done in the lands belonging to the two trust, of which our client has been declared to the Founder Family Member by the Jurisdictional Tribunal. This was also based on the oral assurance of the government leader for endowment given to the honourable High Court of Andhra Pradesh in the above stated petition.

3. That contrary to the same, it is noticed that large-scale digging up of the premises is being done and a walking track is being laid though not yet being used. This is nothing but sheer contempt of court and it is proposed to initiate contempt proceedings against all of you since the undertaken to the contrary was given by none other than the commissioner of endowment, i.e., addressee number 1 above.

4. That you are therefore called upon to stop all the work that is going on in the above stated Land/ compound at Patamata Lanka belonging to Aarogyasadanam and Tapovanam Trust, failing, which it shall be our endeavour to ensure that you are punished under sections 10 to 12 of the contempt of courts act, 1971. The cost and consequences of such an action, if necessitated by your intransigent actions of flouting the Court's orders and continuing with your interference contrary to your undertaking, will lie upon you.

Yours sincerely



A. Srinath,

Advocate,

High Court of Andhra Pradesh.

RN153547017IN IVR:8278153547017

RL HIGH COURT S.O (500066)

Counter No:1,26/03/2025,12:10

To:THE COMMISSIO,...

PIN:521225, Gollapudi S.O

From:A SRINATH,...

Wt:20gms Ack Fee:3.00,REB=17.0

Qty:29.50,Tax:4.50,Amt.Paid:30.00(Cash)

(Track on www.indiapost.gov.in)

(Dial 18002666868)<Wear mask -Stay safe>

भारतीय डाक
डाक सेवा-जन सेवा



India Post
Dak Seva-Jan Seva

45

RN153547025IN IVR:8278153547025

RL HIGH COURT S.O (500066)

Counter No:1,26/03/2025,12:10

To:THE ASST DY C,...

PIN:533004, Gandhinagar(KKD) S.O

From:A SRINATH,...

Wt:20gms Ack Fee:3.00,REB=17.0

Amt:29.50,Tax:4.50,Amt.Paid:30.00(Cash)

(Track on www.indiapost.gov.in)

(Dial 18002666868)<Wear mask -Stay safe>

भारतीय डाक
डाक सेवा-जन सेवा



India Post
Dak Seva-Jan Seva

RN153547034IN IVR:8278153547034

RL HIGH COURT S.O (500066)

Counter No:1,26/03/2025,12:10

To:THE EXECUTIVE OFFICER ,...

PIN:521002, Chilaka)apudi S.O

From:A SRINATH,...

Wt:20gms Ack Fee:3.00,REB=17.0

Amt:29.50,Tax:4.50,Amt.Paid:30.00(Cash)

(Track on www.indiapost.gov.in)

(Dial 18002666868)<Wear mask -Stay safe>

भारतीय डाक
डाक सेवा-जन सेवा



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Dak Seva-Jan Seva

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6.8

Krishna District

HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

C.C.NO. OF 2025

In

W.P.No.27900 of 2024

Dr.Avanigadda Surya Prakash

..Petitioner

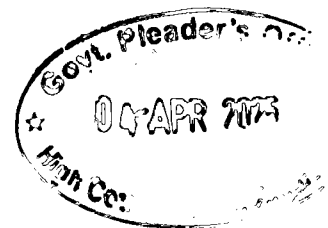
AND

Sri P.Vinay Chand & others

...Respondent

Endow

CONTEMPT CASE



Filed By:

M/s A.Srinath (8752)
Advocate

Counsel for Petitioner

acknowledgement No.:



REV070227334

Friday, Apr 04, 2025 11:41:11 AM

APOLCMS

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