

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No. of 2025

CHRONOLOGICAL / RUNNING INDEX

Sl. No.	Ex-hibit	Description of Document	Date of Doc	Date of filing of Doc	Page No.
01		Service Certificate	19-02-2025	19-02-2025	1
02		Court fee	-do-	-do-	2
03		Writ Petition	-do-	-do-	3-5
04		Annexure	-do-	-do-	6-9
05		Affidavit	18-02-2025	-do-	10-18
06		Verification	-do-	-do-	18
		Material Papers			
	P1	Original Eviction orders dated 30.01.2025 in Rc.No.1/2025 passed by the Executive Officer, Eastern Choultry, Bapatla along with postal envelope.	30.01.2025	-do-	19-26
	P2	Copy of the notice dated 06.01.2025 issued by the Executive Officer, Eastern Choultry, Bapatla as per amended Sec.83 (2) of Act, 30/1987 (Amended Act, 36/2023).	06.01.2025	-do-	27-28
	P3	Office copy of the reply notice dated 16.01.2025 issued by the Petitioners/ Merses Kumar Agencies along with Postal Receipt and Acknowledgment.	16.01.2025	-do-	29-36
	P4	Copy of the orders dated 24.11.2023 in W.P.	24.11.2023	-do-	37-41

		No.30468/2023 on the file of the Hon'ble High Court of A.P.			
	P5	Copy of the representation given by the Petitioners/Merses Kumar Agencies to the Commissioner, A.P. Endowments, Gollapudi, Vijayawada seeking for extension of lease period on 19.12.2024.	19.12.2024	-do-	42-44
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DATE: 19-02-2025

Guntur

Counsel for the Petitioner/s

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MEMORANDUM OF WRIT PETITION

**UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA
[SPECIAL ORIGINAL JURISDICTION]**

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W. P. No.

of 2025

BETWEEN:

1. **M/s. Kumar Agencies,
Rep. by its Managing Partner,
Ch. Aditya Sai Kumar,
IOC Dealers, GBC Road,
Bapatla.**

2. **Cheruvu Sri Suryakanth,
S/o. late Janardhana Rao,
Partner,
M/s. Kumar Agencies,
IOC Dealers, GBC Road,
Bapatla.**

..... Petitioner

AND

1. **The State of Andhra Pradesh,
Revenue (Endowments) Department,
Secretariat Buildings, Velagapudi, Amaravati,
Guntur District.
Rep. By its Principal Secretary.**

2. **The Commissioner,
Endowments Department,
Gollapudi, Krishna District.**

3. **The Assistant Commissioner,
Endowments Department,
Guntur District.**

4. **Eastern Choultry,
Rep. by its Executive Officer/Manager,
Bapatla, Guntur District,
Now Bapatla District.**

..... Respondents

(4)

The Address for Service of all notices, process and summons of the above named Petitioners are that of their Counsel: **POTTURI VIJAYA KUMAR (13933)**, Advocate, R/o. Flat No.405, Yaganti Mini Apartments, Stambalagaruvu, LIC Colony Road, Guntur – 522 006, Mobile: 94405 81920, E-Mail: potturivk@gmail.com

It is therefore 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 **Mandamus** to declare the action of Respondent No.4 in issuing the Impugned Orders, dated 30.01.2025 in Rc.No.1/2025 under Sec.83(2) of the Endowments Act, 30/87 without giving an opportunity of hearing and without conducting proper enquiry and suppressing and ignoring the pending representation of the petitioners for extension of lease, dated 19.12.2024 under E-File Number: 2179373 before the 2nd Respondent and ignoring the reports of the Executive Officer dated Nil, and the Inspector, Bapatla Sub-Division, Bapatla Town, dated 16.01.2025, and the report of the Deputy Commissioner, Endowments Department, Guntur, dated 18.01.2025 submitted to the 2nd Respondent recommending extension of lease for five (5) years in favour of the writ petitioners with effect from 01.01.2025 and passing the Impugned Orders basing on summary enquiry declaring the petitioners as encroachers and directing to remove the encroachment within 15 days from the date of receipt of the order as arbitrary, illegal and violation of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently set aside the Impugned Orders, dated 30.01.2025 in Rc.No.1/2025 issued by the Respondent, No.4 being without any authority and jurisdiction and against the principles of natural justice and

**DISTRICT:: GUNTUR
(Now Bapatla District)**

**IN THE HIGH COURT OF ANDHRA
PRADESH AT AMARAVATI**

W.P.No. of 2025

WRIT PETITION

Filed by:
POTTURI VIJAYA KUMAR (13933),
Advocate,
R/o. Flat No.405,
Yaganti Mini Apartments,
Stambalagaruvu, LIC Colony Road,
Guntur – 522 006,
Mobile: 94405 81920,
E-Mail: potturivk@gmail.com

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18-01-2025 01-01-2025	submitted their remarks dated 16.01.2025 and 18.01.2025 while suggesting for extension of lease in their favour for a period of five (5) years w.e.f. 01.01.2025 and the representation for extension of lease is pending before the Commissioner, Endowments, Gollapudi, A.P.		
NIL	Originally the Endowments authorities initiated eviction proceedings U/s.83 of Act, 30/1987 in OA No.320/2017 before the Hon'ble A.P. Endowments Tribunal, Pedakakani and during pendency of the same, the Endowments authorities filed IA No.1265/2024 in OA No.320/2017 opposed the withdrawal petition filed by the Endowments Authorities and to proceed under amended sec.83 (2) of Act, 30/1987 for their eviction.	5	12
24-09-2024	The Hon'ble Tribunal not granted specific permission to proceed under amended provision while allowing the withdrawal petition partly permitting withdrawal with a liberty to proceed according to law and consequentially passed orders dated 24.09.2024 in main OA No.320/2017 to that effect the petition is dismissed as withdrawn. However, no specific permission is accorded in respect of future proceedings to taken up and the petitioners are at liberty to proceed according to law.	6	13
26-06-2023 16-01-2025 06-01-2025 30-01-2025	The Endowments authorities though there is no specific orders passed by the Hon'ble Tribunal to avail the eviction remedy under amended Sec.83 (2) (Through Act, 36/2023 w.e.f. 26.06.2023), the 4 th Respondent. Executive Officer issued notice dated 06.01.2025 as per amended Sec.83 (2) of Act, 30/1987 (Amended Act, 36/2023) and on receiving the same, the writ petitioners issued a reply, dated 16.01.2025 while submitting lease extension representation is pending and in addition to that the amended provision U/s.83 (2) of Act, 30/1987 is not having retrospective effect which is even accepted by the Hon'ble Endowments Tribunal and in those circumstances the impugned showcase notice dated 06.01.2025 is not tenable. The 4 th Respondent without properly appreciating the legal and factual aspects, involved in the matter without even giving an opportunity of hearing for them passed eviction orders against the writ petitioners passed impugned eviction orders dated 30.01.2025 in Rc.No.1/2025 invoking the amended provisions Sec.83 (2) of Act, 30/1987 and directed the writ petitioners to handover vacant possession of the schedule property Ac.0.40 cents out of Ac.22.16 cents consisting petrol bunk in Sy.No.656, GBC Road, Bapatla, within 15	7	14

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	days from the date of receipt of the order. The eviction orders passed by the 4 th Respondent is illegal, arbitrary, and erroneous exercise of jurisdiction and against the principles of natural justice and as such, the said orders are liable to be set aside.		
01-01-2025 16-01-2025	The 4 th Respondent/Executive Office even suppressed the pending representation of the writ petitioners and even the Executive Officer who passed impugned eviction orders submitted remarks through the Inspector, Endowments, Bapatla for extension of lease period for a period of five (5) years in favour of the 1 st Petitioner w.e.f. 01.01.2025 and the report of the Inspector, Bapatla, dated 16.01.2025 and the report of the Deputy Commissioner, Guntur, dated 18.01.2025 wherein remarks were submitted for extension of lease in favour of the 1 st Petitioner for a period of five (5) years and the representation final orders is pending before the learned Commissioner, A.P. Endowments Department, Gollapudi, Vijayawada.	8	15
30-01-2025 11-02-2025	The impugned eviction orders passed by the 4 th Respondent, dated 30.01.2025 in Rc.No.1/2025 and received to the Petitioners on 11.02.2025 is illegal, arbitrary, and without any jurisdiction and against the principles of natural justice and as such, the impugned orders are liable to be set aside	10	15
NIL	During pendency of the above mentioned eviction proceedings, the Endowments authorities granted eleven (11) years lease in favour of IOC without any public auction as per proceedings in Rc.No.M2/CDE-19021/7/2023-2 and the writ petitioners questioned the said proceedings in favour of IOC in WP No.30468/2023 before this Hon'ble High Court of A.P. and even filed I.A. No.1/2023 and I.A. No.2/2023 seeking for interim directions and the Hon'ble High Court of A.P. directed the writ petitioners to approach IOC and to run the retail outlet in the schedule premises and accordingly, the writ petitioners approached IOC, and the IOC authorities kept the representation of the writ petitioners while stating the matter will be decided through court of law only. In any event, the present representation of the writ petitioners for extension of lease with favourable recommendations is pending before the learned Commissioner, A.P. Endowments Department, Gollapudi. In fact, even the IOC authorities not paying any rental amounts to the 4 th Respondent institution and the writ petitioners in their representations to the Commissioner,	11	16

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	A.P. Endowments even undertaken to clear the arrears of lease amounts which are kept pending by the Indian Oil Corporation.		
NIL	The Endowments authorities in particular the 4 th Respondent is proclaiming to use police aid and to evict the writ petitioners from the schedule site belonging to the 4 th Respondent wherein the petrol bunk under name and style "M/s. Kumar Agencies" IOC Dealers, GBC Road, Bapatla is situated. In the event of forced eviction, the Petitioners will lose their lively hood and will be put to irreparable loss and hardship.	12	16

ANNEXURE -II

UNDER ARTICLE 226 OF CONSTITUTION OF INDIA.

GUNTUR

DATE: 19-02-2025

Counsel for Petitioner/s

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P. No.

of 2025

Between:

1. M/s. Kumar Agencies,
Rep. by its Managing Partner,
Ch. Aditya Sai Kumar,
IOC Dealers, GBC Road,
Bapatla.

2. Cheruvu Sri Suryakanth,
S/o. late Janardhana Rao,
Partner,
M/s. Kumar Agencies,
IOC Dealers, GBC Road,
Bapatla.

..... Petitioners

AND

1. The State of Andhra Pradesh,
Revenue (Endowments) Department,
Secretariat Buildings, Velagapudi, Amaravati,
Guntur District.
Rep. By its Principal Secretary.

2. The Commissioner,
Endowments Department,
Gollapudi, Krishna District.

3. The Assistant Commissioner,
Endowments Department,
Guntur District.

4. Eastern Choultry,
Rep. by its Executive Officer/Manager,
Bapatla, Guntur District,
Now Bapatla District.

..... Respondents

(18)

AFFIDAVIT

I, Cheruvu Aditya Sai Kumar, S/o. late Janardhana Rao, Hindu, aged about 38 years, Managing Partner of M/s. Kumar Agencies, IOC Dealers, GBC Road, Bapatla, temporarily came down to Amaravati, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the managing partner of the 1st Petitioner Partnership firm and the 2nd Petitioner is no other than my brother and partner in the 1st Petitioner firm and as such I am well acquainted with the facts of the case.
2. It is submitted that originally in pursuance of the Regd. Lease deed, dated 17.06.1969 executed by the Board of Trustees of the Eastern Choultry in favour of our ancestors, they have established Indian Oil Corporation Petrol bunk in the site belonging to the 4th Respondent i.e., Eastern Choultry being the dealers of IOC. The said lease period was extended from time to time and we have continued the petrol bunk in the site belonging to the 4th Respondent. During the lifetime of my father Cheruvu Bala Krishna, an application was submitted to the 4th Respondent for purchase of the land belonging to the 4th Respondent as per the prevailing market price as the 4th Respondent institution proposed to sell vacant lands belonging to the Choultry for the benefit of the Choultry. To our misfortune, the said proposals were not materialized and, in any event, under name and style M/s. Kumar Agencies, IOC Dealers, GBC Road, Bapatla we continued the petrol bunk by investing huge amounts for establishing the infrastructure for running petrol bunk. The last extension of lease

period was from 17.06.2014 to 16.06.2015 in Rc.No:M2/12800/2014 for only one year on a monthly rent of Rs.15,000/- P.M.,

3. It is submitted that we the Petitioners continued the petrol bunk in the 4th Respondent site while putting representations for extension of lease from time to time while paying enhanced monthly rent by increasing monthly rent around 30% p.a. on existing monthly rent. Till March 2023, I paid monthly lease amount at Rs.20,250/- P.M.,

4. It is submitted that as of now, we have submitted a representation to the Commissioner, A.P. Endowments, Gollapudi, Vijayawada seeking for extension of lease period on 19.12.2024 under E-File Number: 2179373 and the Commissioner called for remarks and in pursuance of the same, the Executive Officer Eastern Choultry, Bapatla i.e., 4th Respondent and the Inspector, Bapatla Sub-Division, Bapatla Town, and the Deputy Commissioner, Endowments Department, Guntur, submitted their remarks dated 16.01.2025 and 18.01.2025 while suggesting for extension of lease in our favour for a period of five (5) years w.e.f. 01.01.2025 and the representation for extension of lease is pending before the Commissioner, Endowments, Gollapudi, A.P.

5. It is submitted that originally the Endowments authorities initiated eviction proceedings U/s.83 of Act, 30/1987 in OA No.320/2017 before the Hon'ble A.P. Endowments Tribunal, Pedakakani and during pendency of the same, the Endowments authorities filed IA No.1265/2024 in OA No.320/2017 opposed the withdrawal petition filed by the Endowments Authorities and to proceed under amended sec.83 (2) of Act, 30/1987 for our eviction.

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6. It is submitted that the said withdrawal petition was contested by us on the ground that amended provision Sec.83 (2) of the Act, 30/1987 (Through Act, 36/2023 w.e.f. 26.06.2023) is not having retrospective effect while relying upon 2013 (5) ALT 245 (C.R.P. No.3038 of 2011 dated 25.04.2013, Jampala Yadaiah and Others Vs. Commissioner Endowments and Others and as such, the same is not applicable for pending proceedings of eviction in OA No.320/2017 before the Hon'ble Tribunal. The Hon'ble Tribunal in its orders dated 24.09.2024 at Para No.11 observed that in the present amended Act, 36/2023 there is no specific provision with regard to application of the amended provisions retrospectively. In any event, allowed the withdrawal petition stating that the interim application is partly allowed, permitting the Petitioners for withdrawal of the main OA, but no specific permission is accorded in respect of future proceedings to be taken up, but the Petitioners are at liberty to proceed according to law. The orders passed by the Hon'ble Endowments Tribunal not granted specific permission to avail the eviction procedure as per the amended Sec.83 (2) of Act, 30/1987 and given liberty to proceed in accordance with law. In fact the endowments authorities put forward a specific prayer for withdrawal of the OA No.320/2017 and to proceed against the Petitioners 1 and 2 herein as per amended provision U/s.83 (2) of Endowments Act, 30/1987. But, the Hon'ble Tribunal not granted specific permission to proceed under amended provision while allowing the withdrawal petition partly permitting withdrawal with a liberty to proceed according to law and consequentially passed orders dated 24.09.2024 in main OA No.320/2017 to that effect the petition is dismissed as withdrawn. However, no specific permission is accorded in respect of future

proceedings to taken up and the petitioners are at liberty to proceed according to law.

7. It is submitted that the Endowments authorities though there is no specific orders passed by the Hon'ble Tribunal to avail the eviction remedy under amended Sec.83 (2) (Through Act, 36/2023 w.e.f. 26.06.2023), the 4th Respondent Executive Officer issued notice dated 06.01.2025 as per amended Sec.83 (2) of Act, 30/1987 (Amended Act, 36/2023) and on receiving the same, we the writ petitioners issued a reply, dated 16.01.2025 while submitting lease extension representation is pending and in addition to that the amended provision U/s.83 (2) of Act, 30/1987 is not having retrospective effect which is even accepted by the Hon'ble Endowments Tribunal and in those circumstances the impugned showcase notice dated 06.01.2025 is not tenable. The 4th Respondent without properly appreciating the legal and factual aspects, involved in the matter without even giving an opportunity of hearing for us passed eviction orders against the writ petitioners passed impugned eviction orders dated 30.01.2025 in Rc.No.1/2025 invoking the amended provisions Sec.83 (2) of Act, 30/1987 and directed the writ petitioners to handover vacant possession of the schedule property Ac.0.40 cents out of Ac.22.16 cents consisting petrol bunk in Sy.No.656, GBC Road, Bapatla, within 15 days from the date of receipt of the order. The eviction orders passed by the 4th Respondent is illegal, arbitrary, and erroneous exercise of jurisdiction and against the principles of natural justice and as such, the said orders are liable to be set aside.

8. It is submitted that the 4th Respondent/Executive Office even suppressed the pending representation of the writ petitioners and even the Executive Officer who passed impugned eviction orders submitted remarks through the Inspector, Endowments, Bapatla for extension of lease period for a period of five (5) years in favour of the 1st Petitioner w.e.f. 01.01.2025 and the report of the Inspector, Bapatla, dated 16.01.2025 and the report of the Deputy Commissioner, Guntur, dated 18.01.2025 wherein remarks were submitted for extension of lease in favour of the 1st Petitioner for a period of five (5) years and the representation final orders is pending before the learned Commissioner, A.P. Endowments Department, Gollapudi, Vijayawada.
9. It is submitted that the 4th Respondent Executive Officer ignored his own report for extension of lease in favour of the 1st Petitioner including remarks of his higher authorities suggesting for extension and suppressed the pendency of the representation of the 1st writ petitioner for extension of lease and ultimately passed eviction orders by erroneous exercise of jurisdiction which is not vested in him as the Hon'ble Endowments Tribunal not granted any specific permission for invoking amended Sec.83 (2) of Act, 30/1987 which is not holding retrospective effect.
10. It is submitted that the impugned eviction orders passed by the 4th Respondent, dated 30.01.2025 in Rc.No.1/2025 and received to the Petitioners on 11.02.2025 is illegal, arbitrary, and without any jurisdiction and against the principles of natural justice and as such, the impugned orders are liable to be set aside.

11. It is submitted that during pendency of the above mentioned eviction proceedings, the Endowments authorities granted eleven (11) years lease in favour of IOC without any public auction as per proceedings in Rc.No.M2/CDE-19021/7/2023-2 and the writ petitioners questioned the said proceedings in favour of IOC in WP No.30468/2023 before this Hon'ble High Court of A.P. and even filed I.A. No.1/2023 and I.A. No.2/2023 seeking for interim directions and the Hon'ble High Court of A.P. directed the writ petitioners to approach IOC and to run the retail outlet in the schedule premises and accordingly, the writ petitioners approached IOC, and the IOC authorities kept the representation of the writ petitioners while stating the matter will be decided through court of law only. In any event, the present representation of the writ petitioners for extension of lease with favourable recommendations is pending before the learned Commissioner, A.P. Endowments Department, Gollapudi. In fact, even the IOC authorities not paying any rental amounts to the 4th Respondent institution and the writ petitioners in their representations to the Commissioner, A.P. Endowments even undertaken to clear the arrears of lease amounts which are kept pending by the Indian Oil Corporation.

12. It is submitted that the Endowments authorities in particular the 4th Respondent is proclaiming to use police aid and to evict the writ petitioners from the schedule site belonging to the 4th Respondent wherein the petrol bunk under name and style "M/s. Kumar Agencies" IOC Dealers, GBC Road, Bapatla is situated. In the event of forced eviction, the Petitioners will lose their lively hood and will be put to irreparable loss and hardship.

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13. The petitioner has no other alternative and efficacious remedy except to approach this Hon'ble Court under Article 226 of constitution of India.

14. The petitioner has not filed any suit, application or petitions before any court of law and we have not sought for any similar relief.

MAIN PRAYER

It is therefore 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 **Mandamus** to declare the action of Respondent No.4 in issuing the Impugned Orders, dated 30.01.2025 in Rc.No.1/2025 under Sec.83(2) of the Endowments Act, 30/87 without giving an opportunity of hearing and without conducting proper enquiry and suppressing and ignoring the pending representation of the petitioners for extension of lease, dated 19.12.2024 under E-File Number: 2179373 before the 2nd Respondent and ignoring the reports of the Executive Officer dated Nil, and the Inspector, Bapatla Sub-Division, Bapatla Town, dated 16.01.2025, and the report of the Deputy Commissioner, Endowments Department, Guntur, dated 18.01.2025 submitted to the 2nd Respondent recommending extension of lease for five (5) years in favour of the writ petitioners with effect from 01.01.2025 and passing the Impugned Orders basing on summary enquiry declaring the petitioners as encroachers and directing to remove the encroachment within 15 days from the date of receipt of the order as arbitrary, illegal and violation of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently set aside the Impugned Orders, dated 30.01.2025 in Rc.No.1/2025 issued by the Respondent No.4 being without any

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authority and jurisdiction and against the principles of natural justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

INTERIM PRAYER

Pending disposal of the writ petition, it is therefore prayed that this Hon'ble Court may be pleased to stay all further proceedings pursuant to the orders passed by the 4th Respondent / Executive Officer, Eastern Choultry vide Rc.No.1/2025, dated 30.01.2025 and to pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Sworn and signed before me
On this the 18th day of February, 2025
at Amaravati.

Deponent

Advocate :: Amaravati

VERIFICATION

I, Cheruvu Aditya Sai Kumar, S/o. late Janardhana Rao, Hindu, aged about 38 years, Managing Partner of M/s. Kumar Agencies, IOC Dealers, GBC Road, Bapatla, having temporarily come down to Amaravati, do hereby verify that the above contents of the affidavit from paras are true and correct to the best of my knowledge and belief and that I have not suppressed any material facts.

Hence, verified on this the 18th day of February 2025 at Amaravati.

Advocate

Deponent

Orders passed by the Executive Officer, Eastern Choultry, Bapatla Town and Mandal, Bapatla District Under Sec.83(2) of Endowments Act 30/87 as Amended through Amended Act 36 of 2023

Rc.No. 1 /2025, dated 30/01/2025.

Sub:- Endowments Department – Eastern Choultry, Bapatla Town and Mandal, Bapatla District – temple is absolute owner of land in an extent of Ac.22-16 cents in Survey No.656 of Bapatla Town, Bapatla District (previously Guntur District) and in which an extent of Ac.0-40 cents out of Ac.22-16 cents is encroached by 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers, GBC Road Bapatla – Notice dated 06-01-2025 issued under Sec.83(2) of Endowments Act 30/87 as Amended through the Amended Act 36/2023, dated 27-10-2023 – Explanation / reply dated 16-01-2025 sent through their counsel Sri P. Vijaya kumar, Advocate, Guntur – Perused the contents of the reply notice / explanation – Perused the records of the choultry – Reply notice contents not tenable – The entire facts and rule position clearly shows that 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers, GBC Road Bapatla have been in unauthorized occupation of choultry land which is nothing but encroachment – Orders passed directing the above encroacher shall remove their encroachment within 15 days from the date of receipt of this order – else possession will be taken U/s.83(3) of the Endowments Act 30/87- Regarding.

Ref:- 1) Notice dated 06-01-2025 issued to 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers, GBC Road Bapatla.

2) Reply notice / Explanation issued dated 16-01-2025 sent through their counsel Sri P. Vijaya kumar, Advocate, Guntur.

3) Choultry Approved Property Register U/s.38 of the previous Endowments Act 17/1966.

4) Choultry Approved Property Register U/s.43 of the Endowments Act 30/87.

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Sri Eastern Choultry, Bapatla Town and Mandal, Bapatla District, is the absolute owner of the property in an extent of Ac.22-16 cents in Survey No.656 of Bapatla Town, Bapatla District (previously Guntur District), as clearly mentioned in the schedule here under. The approved property registers of the choultry approved U/Sec.38 of the previous Endowments Act 17 of 1966 and also U/Sec.43 of the Endowments Act 30/87 clearly shows that the said property is choultry property. Previously, the said land was given under lease to M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and the lease is being extended from time to time by the Commissioner, Endowments department, A.P., and the last lease extension vide orders in Rc.No.M2/12800/2014, dated 12-09-2014, from 17-06-2014 to 16-06-2015, was expired long ago. In spite of expiry of the lease, they failed to vacate from the schedule property. Hence the choultry filed O.A.No.320/2017 before the Hon'ble A.P., Endowments Tribunal, Amaravathi @ Pedakakani, seeking for eviction orders U/s.83 of the Endowments Act 30/87.

During the pendency of the said O.A., the Endowments Act 30/87 was amended through the Amended Act 36/2023 published in A.P. Gazette Part IV-B Extraordinary No.36 dated 27-10-2023 and by which the previous Sec.83 was totally substituted with new provisions.

Whiles, the said M/s. Kumar Agencies, Bapatla, made a representation, requesting for extension of lease for eleven years on enhancement of rent to the Commissioner, Endowments department, A.P., Gollapudi, Vijayawada. On due enquiry, the said representation for extension of lease was rejected by the said authority vide Rc.No.M2/COE-19021/7/2023-2 dated 19-09-2023 by way of speaking

order, clearly holding that there are arrears due towards use and occupation for the last 18 months (by then) and the said occupier M/s. Kumar Agencies is not running / maintaining the said petrol bunk for the last several months and that evidently there is no subsisting lease in their favour and there is no provision to issue long lease for eleven years otherwise than public auction to a private party and that the said applicant is defaulter and hence cannot be considered. In the said orders, the Executive Officer of the choultry was clearly instructed to take action against the said defaulter M/s. Kumar Agencies and even granted permission to withdraw O.A.No.320/2017 filed against them before the Hon'ble A.P., Endowments Tribunal, and to initiate action as per the amended provisions U/s.83 of the Act 30/87 and report compliance.

In pursuance of the said instructions, a petition was filed in I.A.No.1265/2023 in O.A.No.320/2017 to withdraw the said O.A., and accordingly the Hon'ble A.P., Endowments Tribunal passed orders dated 23-09-2024 permitting to withdraw the said O.A. However, the Hon'ble Court further mentioned that no specific permission was accorded for future proceedings to be taken up but however granted liberty to the petitioner choultry to proceed according to law. Since Eviction proceedings U/s.83 of the Endowments Act 30/87 is a procedural law, there could not be any specific permission by the Hon'ble Tribunal to proceed against the encroachers and hence the choultry can proceed as per existing procedure prescribed for eviction of encroacher under the Amended Act 36/2023.

Under reference 1st cited, a Regd. notice as stipulated U/Sec.83(2) of the Endowments Act 30/87, as Amended through Amended Act 36/2023 published in A.P. Gazette Part IV-B Extraordinary No.36 dated 27-10-2023 was issued to 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers, intimating them that the schedule property is choultry

land and requested them to explain within 7 days from the date of receipt of the notice as to why they should not be treated as an encroachers U/Sec.83(2) of the Endowments Act 30/87 and shall not removed from occupation of the said property and if they have any explanation to offer in that regard, they should submit the same within 7 days along with documentary evidence if any in their support. Further it was clarified in the notice that if they have no explanation to offer in that regard, they should vacate the premises of the schedule mentioned property within 7 days and shall handover the vacant possession of the same to the Executive Officer of the subject choultry.

It was further intimated to them that in case of failure on their part to submit any explanation within the stipulated time or if they failed to vacate the schedule premises, in case they have no explanation to offer, appropriate action will be taken against them as per the provisions of Amended Section 83 of A.P. Charitable and Hindu Religious Institutions and Endowments Act 30/87.

In pursuance of the said notices, they have got issued a reply/ explanation dated 16-01-2025 through their counsel, Sri P. Vijaya kumar, Advocate, Guntur, got mentioning that the Amended provision is not retrospective and not applicable to pending proceedings in O.A.No.320/2017 and that the Hon'ble Tribunal passed orders dated 24-09-2024 while not granting specific permission in favour of the institution to invoke the amended provisions U/s.83(2) of the Act 30/87 and hence the present notice U/s.83(2) of Amended provisions is not permissible under law, and during pendency of the O.A., his client made a representation for extension of lease of eleven years, but the endowments authorities without assigning proper reasons rejected the said request and that his client approached the Hon'ble Court against the said rejection in W.P.No.30468/2023, and the Honb'le Court issued directions to his client to approach the Indian Oil Corporation seeking for necessary permission to run the Retail outlet in the schedule property, since the Endowments Department, already granted lease to IOC to run the retail outlet directly by the company, that the said writ

petition is pending and the matter is to be decided to the court of law, that though allotment of lease was made in favour of IOC on 06-12-2023 the said company did not paid lease amount to the choultry and not permitting his client to run the outlet in the schedule premises, that the Endowment authorities kept silent even though lease amount is not being paid by the IOC and hence the said outlet is under lock and key at the instance of Endowments department, that the endowment authorities filed a Review petition before the Tribunal stating some ambiguity in the orders but withdrawn the same and the department authorities indulging improper exercise of powers, that his client made a representation dated 17-12-2024 before the Commissioner Endowments department, Vijayawada, seeking for reconsideration of the lease and who called for the remarks of the authorities, that his client is prepared to pay lease amount even not paid by IOC to avoid loss to the institution and that his client even prepared to pay three years advance lease amount, since the representation of his client is pending, the present eviction proceedings are to be dropped and that the notice is illegal without any cause of action etc.

The contents of the reply notice / explanation are not tenable since Sec.83 of the Act 30/87 is a procedural law to proceed against the persons in unauthorized occupation of any endowment land and in this matter also admittedly the approved lease in favour of M/s.kumar agencies bapatla expired long ago and there is no further extension of lease in their favour and they have been continuing un-authorizedly in the choultry property and hence their status is nothing but encroachers as defined U/s.83 of the Endowments act 30/87. The mere pendency of any representations did not clothe the said persons to seek for any rights to continue in the schedule mentioned property. As such the several contentions raised by the said persons through their counsel runs into six pages in their reply notice are not at all tenable.

Further as per the explanation (i) of Sec.83(5) of the Endowments Act 30/87 (As Amended through the Amended Act 36/2023, dated 27-10-2023) the expression encroachment means every activity by a person or group of persons without any lawful entitlement and with a view to illegally take possession of lands, buildings or property of an Endowment Institution :

- (a) Occupy the said lands, buildings or property without the approval of the Competent Authority sanctioning lease / mortgage / License or continued occupation of land, buildings or property after expiry or cancellation of the Lease/ mortgage or License or permission in respect thereof.
- (b) Enter into or create illegal tenancies or lease and Licenses, Agreement or any illegal document of title in respect of such property.
- (c) Construct un-authorized structures thereon, for sale or hire or for his / her own use and includes an attempt to encroach in the manner indicated above.
- (ii) The term encroacher shall be construed accordingly.
- (iii) this shall be in addition to provisions herein above contained empowering the removal of encroachment in the matter provided in this section.

As such occupation of 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers, even after the expiry of previous lease orders about 10 years ago and even after rejection of their representation for granting extension of lease as mentioned above, is nothing but encroachment since it is an Endowment land belongs to choultry.

In spite of issuance of notice under reference 1st cited requiring 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers to remove their encroachment and hand over possession to the choultry, they fails to vacate from the schedule land and they are continuing their encroachment over the schedule mentioned property. Hence 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers are hereby required to remove the encroachment within 15 days from the date of receipt of this order.

Otherwise, action will be taken under due process of law, as contemplated U/s.83(3) of the Endowments Act 30/87 as Amended through Act 36/2023, dated 27-10-2023 published in A.P., Gazette, part-IV-B, Extraordinary on 27-10-2023, for removal of encroachment and possession will be taken by following the said procedure as contemplated.

SCHEDULE OF THE PROPERTY

Bapatla District, Bapatla Sub- Registration District, Bapatla Town, Land situated in East Bapatla Village, an extent of Ac.0-40 cents out of Ac.22-16 cents, consisting of old closed Petrol bunk in Survey No.656 abutting GBC road is being bounded by :-

East : GBC Road.
West : Remaining land belongs to choultry.
North : Remaining land belongs to choultry.
South : Remaining land belongs to choultry.

Within these boundaries an extent of Ac.0-40 cents of land.

[Signature]
30/11/25
(Executive Officer)

To

- 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar.
- 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers, GBC Road Bapatla.
- 2) Copy submitted To the District Endowments Officer, Endowments department, Bapatla for favour of kind information.



Postage

To

Chennai V. Ar. G. S. Kumar

c/o Marathi Mohan

H No. 1-1-106

Mannemuthur Road, Sullurpeta, Tirupathi

phno - 7013512223 pin Code - 524121

From

Executive Officer

Eastern Choultry

Endowment Department

Bapatla T & M & District

Office of the Executive Officer,
Eastern Choultry, Bapatla Town & Mandal,
Bapatla District.

Notice No. 11/1/2025 dated 04/01/2025.

To

- 1) M/s. Kumar Agencies,
IOC dealers, GBC Road Bapatla,
Rep. by its Managing partner,
Ch. Aditya Saikumar.
- 2) Cheruvu Sri Surya kanth, S/o. Late Janardhana Rao,
M/s. kumar Agencies, IOC dealers,
GBC Road Bapatla.

Notice Under Section 83(2) of Act 30/87

(Issued as per Amended Act 36 of 2023 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 30/87)

It is hereby informed that Eastern Choulty, Bapatla Town and Mandal, Bapatla District, is the absolute owner of the property in an extent of Ac.22-16 cents in Survey No.656 of Bapatla Town, Bapatla District (previously Guntur District). The said property was clearly entered in Sec.43 Register of the Endowments Act 30/87.

At present you, 1) M/s. Kumar Agencies, IOC dealers, GBC Road Bapatla, Rep. by its Managing partner, Ch. Aditya Saikumar and 2) Cheruvu Sri Surya kanth S/o. Late Janardhana Rao, M/s. kumar Agencies, IOC dealers, are continuing in occupation of the schedule mentioned property in an extent of Ac.0-40 cents out of Ac.22-16 cents, consisting of old closed Petrol bunk in Survey No.656 of Bapatla Town, Bapatla District (previously Guntur District) which is under your encroachment, without having any valid right to continue in possession of the schedule property and without having any approved Lease/ License / any permission from the Competent Authority of Endowments department in your favor. In spite of expiry of the lease and there being no extension of lease in your favour by the Competent Authority, you failed to vacate from the schedule property.

(28)

Hence, notice is hereby issued, asking you to explain within seven (7) days from the date of this notice, why you should not be treated as an encroacher U/s.83 of Act 30/87 and shall not be removed from occupation of the said property. If you have any explanation to offer in this regard, you should submit the same to this office within seven (7) days along with documentary evidence, if any in support of your contention. If you have no explanation to offer in this regard, you should vacate from the schedule mentioned property within seven (7) days and shall hand over the vacant possession of the same to the Executive Authority of the subject choultry.

In case of failure on your part to submit your explanation within the stipulated time or to vacate the scheduled premises in case you have no explanation to offer, appropriate further action will be taken against you as per the provisions of Sec.83(2) of Andhra Pradesh Charitable & Hindu Religious Institutions and Endowments Act 30/87.

SCHEDULE OF THE PROPERTY

Bapatla District, Bapatla Sub- Registration District, Bapatla Town, Land situated in East Bapatla Village, an extent of Ac.0-40 cents out of Ac.22-16 cents, consisting of old closed Petrol bunk in Survey No.656 abutting GBC road is being bounded by :-

East : GBC Road.
West : Remaining land belongs to choultry.
North : Remaining land belongs to choultry.
South : Remaining land belongs to choultry.

Within these boundaries an extent of Ac.0-40 cents of land.

B. Venkateswara
(Executive Officer) 6/1/25

EXECUTIVE OFFICER
EASTERN CHOLTRY
BAPATLA TOWN & MANDAL
BAPATLA DISTRICT

1) Copy Submitted to the Commissioner,

Endowments Department, Gollapudi, Vijayawada, A.P. for favour of kind information.

2) Copy submitted To the Deputy Commissioner, Endowments department, Guntur, for favour of kind information.

3) Copy submitted To the District Endowments Officer, Endowments department, Bapatla District for favour of kind information.

(29)

Gx: 8(7)

Page 1 of 6



P. Vijaya Kumar

Advocate

Ex-Legal aid counsel VI A.M.M. Court, Guntur.

Panel Advocate, United India Insurance Co.,

Guntur & Chaitanya Grameena Bank.

A.P.H.C. Reg. No.13933

Flat No. 405,

Yaganti Mini Apartments,

Stambalagaruvu,

Guntur – 522 006.

Cell: 94405 81920.

e-mail: potturivk@gmail.com

Regd. Reply Notice with Ack Due
for your Notice No.NIL/2025 Dated 06.01.2025

Guntur,

Date: 16.01.2025

To,

The Executive Officer,
Eastern Choultry,
Endowments Department,
G.V.C. Road,
Bapatla Town and Mandal,
Bapatla District – 522101.

Under instructions from my client M/s. Kumar Agencies, IOC Dealers, GBC Road, Bapatla, Rep. by its Managing Partner, Ch. Aditya Sai Kumar, I hereby issue you the following registered reply notice for your notice dated 06.01.2025 U/s.83(2) of Act, 30/1987 issued on behalf of your client The Executive Officer, The Eastern Choultry, Bapatla Town and Mandal –

1. There is no dispute with regard to occupation of my client in the schedule property in an extent of Ac.0.40 cents out of Ac.22.16 cents wherein my client running IOC Petrol Bunk being dealer of the same.
2. My client received your written notice U/s.83(2) of Act, 30/1987 on 13.01.2025 and the contents mentioned therein are not true and correct.

P. V. 162

3. Originally, the subject institution i.e., Eastern Choultry initiated eviction proceedings U/s.83 of Act, 30/1987 and when the said proceedings coming for enquiry, the subject institution filed IA No.1265/2023 to permit the subject institution to withdraw OA No.320/2017 and to take steps against my client for eviction as per amended provision U/s.83 (2) of Act, 30/1987 and my client taken specific plea in the counter that the amended provision is not Retrospective and the same is not applicable for the pending proceedings in OA No.320/2017. The Hon'ble Tribunal passed orders dated 24.09.2024 in OA No.320/2017 and not granted specific permission in favour the Endowments Department/Subject Institution to invoke amended provision U/s.83 (2) of Act, 30/1987 which is the specific prayer of the subject institution in the withdrawal petition to withdraw O A No.320/2017 and in any event, the Hon'ble Tribunal granted permission to withdraw pending proceedings and to take steps in accordance with law. In Para No.11 of the orders in IA No.1265/2023 orders dated 24.09.2024, the Hon'ble Tribunal observed there is no specific provision with regard to the application of the amended provisions retrospectively. In any event, the Hon'ble Tribunal granted permission to proceed in accordance with law. When there is a specific observation in the order itself that amended provision is not retrospective, invoking the amended provision 83(2) of Act, 30/1987 and issuing the present show cause notice is not permissible under law and in one way, acting in violation of the orders of the Hon'ble Tribunal.

4. Originally the Endowments authorities filed Sec.83 eviction petition against my client in OA No.320/2017 on the file of the Hon'ble A.P. Endowments Tribunal, Amaravati at Pedakakani and the lease in favour of my client was extended up to 2016 and later the Endowments authorities taken decision for

P. V. M.

conducting open auction of the lease and accordingly OA No.320/2017 eviction petition was filed against my client U/s.83 of Act, 30/1987.

5. During pendency of the eviction petition In OA No.320/2017 itself, my client approached the Commissioner, A.P. Endowments, Gollapudi for extension of lease period in his favour for 11 years further. The Endowments authorities without assigning proper reasons even during pendency of above mentioned eviction petition granted lease in favour of IOC for 11 years without any public auction as per the proceedings in Rc.No.M2/CDE-19021/7/2023-2 dated 19.09.2023 and my client questioned the said proceedings in favour of IOC in W.P. No.30468/2023 on the file of the Hon'ble High Court of A.P.

6. In the above mentioned writ petition, my client filed I.A. No.1/2023 and I.A. No.2/2023 seeking for interim direction to grant lease in favour of my client and also to direct the IOC to continue my client to be retail out let dealer for IOC and to run the retail outlet in the schedule premises in Sy.No.656 abutting GBC Road, Bapatla. The Hon'ble High Court of AP on due consideration of the material on record directed my client to approach IOC in order to seek for necessary permission from IOC to run the retail outlet in the schedule premises as the proceedings of lease granted in favour of IOC by the Endowments department pending further orders in the writ petition. As on today, the said writ petition is pending.

7. My client approached the IOC seeking permission for continuation of retail outlet in the schedule premises by way of repeated correspondence with IOC and the issue is pending, the IOC authorities instead of finalizing the matter stating by way of their reply dated 23.01.2024 stated the matter will be decided through court of law only. Though there is allotment of lease in favour of the IOC

P. V. M.

as per proceedings dated 06.11.2023, the IOC authorities not paid the lease amount and even not permitting my client to run the outlet in the schedule premises but the endowments authorities kept silent even for non-payment of the lease amount by the IOC.

8. At the instance of Endowments Department itself, the outlet is under lock and key.

9. In pursuance of the orders in withdrawal petition, the main OA 320/2017 was withdrawn on 24.09.2023 and in the orders dated 24.09.2023 in OA No.320/2017, the Hon'ble Tribunal in Para No.3 endorsed the Hon'ble Tribunal while dismissing the main OA as withdrawn endorsed "Hence, the petition is dismissed as withdrawn, However, no specific permission is accorded in respect of future proceedings to be taken up and the Petitioners are at liberty to proceed according to law. No costs"

10. When there is no specific liberty given to the Endowments Department/ Subject Institution to invoke the amended provision Sec.83 (2) of Act, 30/1987 the issuance of show cause notice invoking Sec.83 (2) of Act, 30/1987 is not tenable under law while withdrawing the existing eviction petition which is coming for enquiry under OA No.320/2017. There is no bona fides on part of the Subject Institution and only at the instance of political busy bodies acting detriment to my client and the present show cause notice is nothing but improper exercise of the powers vested in the Department in terms of Act, 30/1987.

11. In addition to that, the Endowments Department/Subject Institution filed a review petition before the Tribunal stating some ambiguity in the orders passed in I.A. No.1265/2023 in OA No.320/2017 (Withdrawal petition) and again

P. V. M.

withdrawn/ not pressed the same. The Department authorities indulging in improper exercise of their powers and the present show cause notice is issued without proper authority and it is not in consonance with the orders passed in withdrawal petition.

12. My client subsequently again put forward a representation dated 17.12.2024 before the Commissioner, Endowments Department, Gollapudi, seeking for reconsideration of the lease in favour of my client and the Commissioner called for remarks from the Deputy Commissioner, Endowments, Guntur, the same is within the knowledge of the Executive Officer of the subject institution. My client even prepared to pay the lease amount which is even not paid by the IOC to avoid any loss to the institution and considering all these things, the learned Commissioner, Endowments, Gollapudi, forwarded my client's representation for further remarks in order to take final decision whether to grant lease in favour of my client or not. My client even prepared through the said representation for payment of the 3 years advance lease amount.

13. The present show cause notice under reply was got issued while suppressing all the above mentioned facts and circumstances.

14. Considering the pendency of representation of my client for renewal of lease in his favour, the present further proceedings are liable to be dropped to meet the ends of justice and hence, the concerned authority/Executive Officer is hereby requested to drop further proceedings and enable my client to pursue his representation for renewal of lease in his favour as even the IOC authorities not acted upon the lease in their favour and even not paid the lease amount to the Endowments Department while keeping the retail outlet under lock and key.

P. V. [Signature]

(34)

15. The material allegations mentioned in your notice that my client is an encroacher in the schedule premises while closing the petrol bunk, and continuing the premises without any valid right in spite of expiry of lease is not true and correct.

16. In any event in the light of the above mentioned facts and circumstances, your notice under reply is quite arbitrary and illegal and without any cause of action and as such, the same is liable to be withdrawn without proceeding further in terms of Act, 30/1987.

Guntur,

Date: 16.01.2025

P. V. Lakshmi

Advocate

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RN601931715IN ITR:8278601931715
RL COLLEGE ROAD(GUNTUR) S.O.(522001)
Counter No:1.16/01/2025.10:24
To:THE EXECUTIVE,ENDOWMENT DEPT
PIN:522101, Bapatla U.S
From:P VJAYAKUMAR,ADVOCATE
Wt:Dona/Ack/Fee:3.00,REG=17.0
Amt:29.50,Tax:4.50,Amt./Paid:30.00(Cash)
(Track no.)

36 36 TO The Executive Officer,
Eastern Chowk

0-54 /R.P. - 54

ACKNOWLEDGEMENT

.....Received Registered Letter / Postcard / Packet / Parcel } No.

Insured } Endowments Dept,
G.V.C. Road,

Addressed to (name) } Babarulla Pathan
of Mandla

.....Insured for Rupees } Babarulla Pathan

Date of Delivery } Y. N. S.

- 20

Signature of addressee

.....Score out the matter not regular

.....For Insured articles only

DEPARTMENT OF POST INDIA

P. VISAYA KUMAR, Sender's address
Advocate,
F. No- 405, Yaganti Mini
A.P.S.,
Sambalgarh, Lto Colony
Road, Gunjur - 522006.
M: 9440581920.

Kumar Agencies

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Gx: 8 (4)



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY-FOURTH DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN
WRIT PETITION NO: 30468 OF 2023

Between:

M/s Kumar Agencies, A registered partnership firm Having its office at H.No.4-3-21/G,
GBC Road, Bapatla, Guntur, Guntur District. Rep. by its Managing Partner,
Sri. Cheruvu Sri Aditya Sai Kumar, S/o. Late Bala Venkata Subramanyam, aged about
35 years, Occ. Business, R/o. H.No.13-5-6/1, Old ITO Road, Near Suryakalli Function
Plaza, Bapatla, Guntur District.

...Petitioner

AND

1. The State of Andhra Pradesh, Endowments Department, Secretariat,
Velagapudi, Amaravathi, Guntur District. Rep. by its Principal Secretary.
2. The Commissioner of Endowments, Government of Andhra Pradesh,
Gollapudi, Vijayawada Rural, NTR District.
3. Deputy Commissioner of Endowments, Guntur, Guntur District.
4. The Assistant Commissioner of Endowments, Endowments Department,
Guntur, Guntur District.
5. Eastern Choultry, Bapatla, Guntur District. Rep. by its Executive Officer.
6. Indian Oil Corporation Limited, Having its divisional office at GVR Towers, 3rd
Floor, Bharathi Nagar, Opposite Novatel Hotel, Vijayawada, Rep. by its
Divisional Retail Sales Head.

...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 of Mandamus or any other appropriate writ or direction declaring action of
the 2nd respondent in rejecting the request of the petitioner for renewal of lease in the
name of the petitioner in RC.No.M2/ 19021/7/2023 dated 06.11.2023 and in awarding
the same in favour of the 6th respondent vide RC.No.M2/CDE-19021/7/2023-2 dated
19.09.2023 as illegal, arbitrary and consequently direct the 2nd respondent to give the
lease in the name of the petitioner instead of Indian Oil Corporation.

IA NO: 1 OF 2023:

Petition under Section 151 CPC is filed praying that in the circumstances
stated in the affidavit filed in support of the writ petition, the High Court may be
pleased to direct the 2nd respondent to grant the lease in the name of the petitioner in
the proceedings issued in RC.No.M2/19021/7/2023 dated 06.11.2023 instead of
Indian Oil Corporation, pending disposal of WP.No.30468 of 2023, on the file of the
High Court.

IA NO: 2 OF 2023:

Petition under Section 151 CPC is filed praying that in the circumstances
stated in the affidavit filed in support of the writ petition, the High Court may be

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pleased to direct the 6th respondent to continue the petitioner as the Retail Outlet Dealer of the Indian Oil Corporation to run the Retail Outlet in the premises in Sy.No.656 adjacent to Guntur-Bapatla Town and Mandal, Guntur District, pending disposal of WP.No.30468 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s O.M.R.Law Firm for the Petitioners and GP for Endowments for the Respondents, the Court made the following;

ORDER:

"Heard the learned Senior Counsel for the petitioner and the learned Government Pleader for the respondent Nos.1 to 4.

The learned counsel for the petitioner is permitted to take out personal notice to the respondent No.6 and proof of service shall be filed within a period of two (02) weeks from today.

This Writ Petition is filed questioning the action of the respondent No.2 in rejecting the request of the petitioner for renewal of lease in the name of the petitioner in RC.No.M2/19021/7/2023 dated 06.11.2023 and in awarding the same in favour of the respondent No.2 vide RC.No.M2/CDE-19021/7/2023-2 dated 19.09.2023.

The learned Senior Counsel for the petitioner submits that the petitioner is the retail agent of the respondent No.6/Corporation in running the petrol bunk in the subject land in an extent of Ac.0.40 cents belonging to the respondent No.5 Choultry.

The petitioner has taken the property for lease from the respondent No.5 for running a Retail Outlet as dealer of the Indian Oil Corporation. Then, the petitioner approached for the renewal of lease. The Endowment authorities concerned have not considered the same for further period of 11 years extension by way of lease. But, the respondent No.2 considered the request of the respondent No.6 to grant lease for a period of 11 years. When the petitioner is a dealer of the Indian Oil Corporation and what applies to the corporation is equally applicable to the petitioner herein. Hence, the respondent No.2 ought to have considered the request of the petitioner for renewal of lease, since it is running the outlet as an agent of the respondent No.6/Corporation.

On the other hand, the learned Government Pleader for Endowments submits that the representation of the petitioner was duly considered by the

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respondent No.2 and the same was rejected in accordance with the Rules vide proceedings, dated 19.09.2023.

However, the case of the petitioner is for the extension of lease for another period of 11 years on increase of rent for the subject land which cannot be considered as per the Rules and it shall be by way of conducting public auction alone, the lease of the subject land can be dealt with. The petitioner is also not running/maintaining the said Petrol Bunk for the last nine (09) months.

Whereas, the application was made by the respondent No.6 and it was duly considered as per the Rules and the permission is granted for giving this subject land on lease for a period of 11 years, on payment of Rs.30,000/- per month on enhancement of rent @ 33 1/3rd% once in every three years to the Indian Oil Corporation, subject to fulfilling the Lease/License Rules of Non Agricultural lands of Endowment institutions.

Since, the respondent No.6/Corporation is a Government of India undertaking, as per the relevant Rules only, the said proceedings, dated 06.11.2023 was issued by the respondent No.2.

In view of the above said facts and circumstances, the petitioner is directed to approach the respondent No.6 seeking necessary permission in view of the proceedings of the respondent No.2, dated 06.11.2023 for the purpose of continuation of lease by the petitioner to run the Retail Outlet on the subject land, pending further orders.

List on 22.12.2023.

Office is directed to print the name of the learned Standing Counsel for the respondent No.5.

In the meanwhile, the respondents shall file their counters."

Sd/- K.TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

For,

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Endowments Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner of Endowments, Government of Andhra Pradesh, Gollapudi, Vijayawada Rural, NTR District.

(40)

3. The Deputy Commissioner of Endowments, Guntur, Guntur District.
4. The Assistant Commissioner of Endowments, , Endowments Department, Guntur, Guntur District.
5. The Executive Officer, Eastern Choultry, Bapatla, Guntur District.
6. The Divisional Retail Sales Head, Indian Oil Corporation Limited, Having its divisional office at GVR Towers, 3rd Floor, Bharathi Nagar, Opposite Novatel Hotel, Vijayawada. (Addressee Nos.1 to 6 by RPAD)
7. One CC to Sri. O.M.R.Law Firm, Advocate [OPUC]
8. Two CCs to GP for Endowments, High Court of Andhra Pradesh. [OUT]
9. One CC to Sri A.Venkata Durga Prasad, Standing Counsel [OPUC]
10. One CC to M/s P.Padmavathi, Standing Counsel [OPUC]
11. One CC to Sri S.Sai Sanjay, Standing Counsel [OPUC]
12. One spare copy

MM

● HIGH COURT

(21)

BKM,J

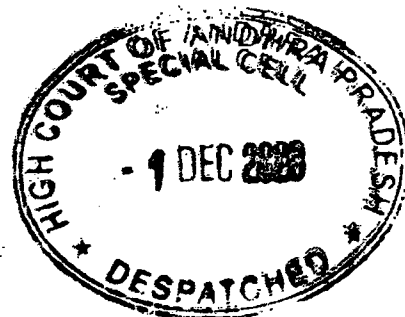
DATED:24/11/2023

NOTE: LIST ON 22.12.2023

ORDER

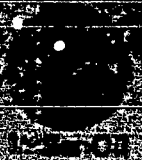
WP.No.30468 of 2023

DIRECTION



(42)

P-15



Kumar Agencies

Address: G.B. Road, Bapatla - 505 210

To
The Commissioner,
Department of Endowments, A.P. Government,
Golconda, Vijayawada
Respected Sir,

Sub: Regarding the Extension of Lease of 0.40 Cents at Bapatla town, Bapatla District. Regarding

*to Sd.H.
Premises
11/11/17*

Sir, we are the dealers of Indian Oil Outlets in the name and style M/S Kumar Agencies. we have registered lease of 0.40 cents in 1968 from Eastern Choultry by my Grandfather and his sons with Rs 300/- as rent per year and established a Petrol Pump. Since then we are in position and paying rent to the Eastern Choultry without default in the year 1974 the land is taken over by the Endowment Department from the Eastern Choultry, we have offered for the lease of land which was accepted by us given our letter of acceptance and three men committee given positive about land and which is still pending in the department, meanwhile we got the approved lease from the Endowment in 2017 and we have applied for the extension of lease in the year 2017, the department has a case against us for the year 2017 for eviction, as a result we have been evicted from the land.

Due to high political pressure the department has decided to handover the R.O. and land to IOCL. As other Retail Outlets Owners besides us have been evicted from the land while the department has given same land to the IOCL. We are aware without any order from the court while the lease of land case is pending in the Endowment Tribunal.

Meanwhile Executive Officer of the Endowment in write a letter to IOCL to stop supplies to our Retail Outlets. The IOCL company now has stopped the supplies to our outlets, have stopped to issue the supplies to our Retail Outlets and have decided to handover the land to IOCL. We have given there reply to Honorable High Court of our O.A filed in High Court situated at Amaravati that they have no authority to take decision on the land as IOCL has only prior approval not yet finalized. Due high political pressure the lease has offered to the IOCL and in turn the IOCL has stopped the supplies to our Outlets. After the formation of new Government Endowments department asked concerned E.O. give a detailed report on the lands Given to IOCL for cancellation of the requests from IOCL. Now IOCL is not paying any rent to the land, E.O. is not accepting rent from us as he said it is given to IOCL. IOCL is saying we have no authority on the land we have only prior approval in this issue the department is forcing a lot in monetary terms in the way of rent, I will withdraw the O.A filled by us in high court once lease is approved.

There are 15 families are depending on the said Retail Outlets for their Bread and butter and there are no pending dues from our side to IOCL and also to the Endowment department and the supplies are resumed we will take back the petition which are pending from our side.

Moreover, the department also enhancing the rent time to time but we never denied to the pay the rent what they have enhanced and ready to pay 3 years of rent in advance to Endowment Department.

Please kindly understand our situation and help us not die with starvation as we have only this for our bread and butter. Kindly extend the lease for a period of 5 years we are ready to pay 3 years of rent as caution deposit to the department and willing to pay enhanced rent decided by the norms of department and withdraw the case filed in high court.

Thanking You

Truly and Sincerely

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//Neat Copy//

KUMAR AGENCIES

TO
THE COMMISSIONER,
DEPARTMENT OF ENDOWMENTS, A.P. GOVERNMENT,
GOLLAPUDI, VIJAYAWADA.

Respected Sir,

Sub:- Regarding the Extension of Lease of 0.40 Cents at Bapatla town, Bapatla District – Regarding.

Sir, we are the dealers of Indian Oil Outlet in the name and style M/s. Kumar Agencies. We have registered lease of 0.40 cents in 1968 from Eastern Choultry by my Grandfather and his sons with Rs. 300/- as cent per rear and established a petrol pump. Since then we are in position and paying rent to the Eastern Choultry, we have offered for the sale of land which we accepted by us given our letter of acceptance and three men committee given positive about sale of land, which is till pending in the department, meanwhile we got the approved lease from the Endowments till 2017 and we have applied for the extension of lease in the year 2017, the department filed a case in the Endowments Tribunal against us in the year 2017 for eviction, which is withdrawn by department prior judgement.

Due to high political pressure over the department they wanted to handover the R.O. and land to IOCL, As other Retail Outlet Owners beside our R.O. are politically influenced in the meanwhile the department has given same land to the IOCL Vijayawada without any prior notice to us. While the lease of land case is pending in the Endowment Tribunal.

Mean While executive Officer of the said institution wrote a letter to IOCL to stop supplies to our Retail Outlet. The IOCL company showing this as cause with political influence they have stopped to issue the supplies to our retail Outlet and said department did not even given any notice to us IOCL have given there reply to Honourable High Court on our O.A. filed in High Court situated in Amaravati that

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they have no authority to take decision on the land as IOC have only prior approval not yet finalized. Due high political pressure the lease has offered to the IOCL and in turn the IOC had stopped the supplies to our outlet. After the formation of new Government Endowments department asked concerned E.O. give a detailed report on the lands given to IOCL for cancellation of the requests from IOCL. Now IOCL is not paying any rent to the land, E.O. is not accepting rent from us as he said it is given to IOC, IOC is saying we have no authority on the land we have only prior approval in this issue the department is losing a lot in monetary terms in the way of rent, I will withdraw the O.A. filled by us in High Court once lease is approved.

There are about 15 families are depending on the said Retail Outlet for their Bread and butter and there are no pending dues from our side to IOC and also the Endowment department and the supplies are resumed we will take back the petition which are pending from our side.

Moreover, the department also enhancing the rent time to time but we never denied to the pay the rent what they have enhanced and ready to pay 3 years of rent in advance to Endowments Department.

Please kindly understand our situation and help us not die with starvation as we have only this for our bread and butter. Kindly, extend the lease for a period of 5 years we are ready to pay 3 years of rent as caution deposit to thee department and willing to pay enhanced rent decided by the norms of department and withdraw the case filed in High Court.

Thanking you,

With

Thanks and Regards

**INTERLOCUTORY APPLICATION
[UNDER SECTION 151 OF CPC]**

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

I.A.No. of 2025

IN

W. P. No. of 2025

BETWEEN:

1. **M/s. Kumar Agencies,
Rep. by its Managing Partner,
Ch. Aditya Sai Kumar,
IOC Dealers, GBC Road,
Bapatla.**

2. **Cheruvu Sri Suryakanth,
S/o. late Janardhana Rao,
Partner,
M/s. Kumar Agencies,
IOC Dealers, GBC Road,
Bapatla.**

..... Petitioner

AND

1. **The State of Andhra Pradesh,
Revenue (Endowments) Department,
Secretariat Buildings, Velagapudi, Amaravati,
Guntur District.
Rep. By its Principal Secretary.**

2. **The Commissioner,
Endowments Department,
Gollapudi, Krishna District.**

3. **The Assistant Commissioner,
Endowments Department,
Guntur District.**

4. **Eastern Choultry,
Rep. by its Executive Officer/Manager,
Bapatla, Guntur District,
Now Bapatla District.**

..... Respondents

Pending disposal of the writ petition, it is therefore prayed that this Hon'ble Court may be pleased to stay all further proceedings pursuant to the orders passed by the 4th Respondent / Executive Officer, Eastern Choultry vide Rc.No.1/2025, dated 30.01.2025 and to pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

GUNTUR

DATE: 19-02-2025

COUNSEL FOR THE PETITIONER/s

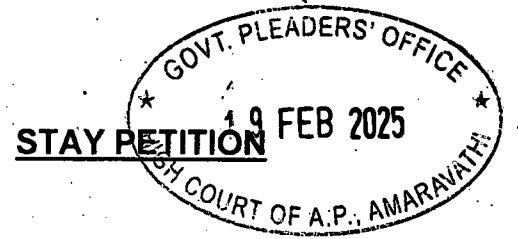
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GUNTUR DISTRICT
(Now Bapatla District)

IN THE HIGH COURT OF ANDHRA
PRADESH AT AMARAVATI

I.A.NO. of 2025
IN
W.P.NO. of 2025

End/1-8



Acknowledgement No.:
Wednesday, Feb 19, 2025 13:31:16 PM

REV070216636

APOLCMS



Filed on: 19-02-2025
Filed by:
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