

IN THE HIGH COURT OF ANDHRA PRADESH, AT AMARAVATHI

W.P.No. of 2025

CHRONOLOGICAL INDEX

Sl. No.	Exhibits	Description of the Documents	Date of Document	Date of Filing	Page No.
1		Service Certificate	20-2-25	20-2-2025	1
2		Court Fee	-do-	-do-	2
3		Writ Petition	-do-	-do-	3-4
4		List of Events	-do-	-do-	5-11
5		Writ Affidavit	-do-	-do-	12-21
6		Verification	-do-	-do-	22
		Material Papers:-			
7	P-1	Copy of impugned proc. of 3 rd respondent	01.09.2024	-do-	23-32
8	P-2	Copy of representation from petitioner	07.02.2025		33-34
9	P-3	Copy of proc of 2 nd respondent	15.02.2022	-do-	35-39
10	P-4	Copy of order in W.P.No. 6532/2022	29.11.2024		40-59
11	P-5	Copy of order in W.P.No. 4634/2006	31.03.2016		60-70
12	P-6	Copy of proc of 1 st respondent	07.02.2020	-do-	71-72
13	P-7	Copy of sale deed along with neat copy			73-99
14	P-8	Copy of show cause note			100-107
15		Vakalath		-do-	108
16		Respondents address copy		-do-	109

Place: Amaravathi

Date: 20/2/25

V.V.N. [Signature]
Counsel for the Petitioner

MEMORANDUM OF WRIT PETITION
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)
(UNDER SPECIAL ORIGINAL JURISDICTION)
IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH
AT AMARAVATHI.

W.P.NO.

OF 2025

Between “-

Bala Siva Yogendra Maharaj.,
 S/o. Late T. Rosaiah., Aged about 73 years.,
 President, M/s. Balasiva Universal Peace Foundation.,
 H.No. 4-3-197, Raja Kandaswamy Lane.,
 Sultan bazar., Hyderabad. Petitioner.

And

1. The State of Andhra Pradesh.,
 Rep. by its Principal Secretary.,
 Revenue (Endowments) Departments.,
 Secretariat Buildings., Velagapudi.,
 Guntur District
2. The Commissioner,
 Endowments Department, Gollapudi.,
 Vijayawada., Krishna District.
3. The Deputy Commissioner.,
 Endowments Department., Kurnool.
- ✓ 4. The Tahsildar,
 Mydukur Mandal., Mydukur,
 YSR Kadapa District. .. Respondents.

Address for service of all processes and notices on the above named petitioner is that of his counsel M/s. V.V.N.Narasimham, (4801) and Kodi Mani Deep (25085), Advocates, Flat No. 203, Jupiter Enclave. Haailand Road., Chinnakakani. Mangalagiri, Guntur District.

4

For the reasons stated in the accompanying affidavit, the petitioner herein 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 declaring the report of the 3rd respondent herein in Lr.No. B2/289/2024.Adm dated 01-09-2024 to the 2nd respondent herein and consequential action of the 4th respondent herein in not entering our names in the revenue records basing on the report submitted by the 3rd respondent in Lr.No. B2/289/2024.Acm dated 01-09-2024 as arbitrary, illegal, improper, malafide exercise of power apart from flouting the orders of this Hon'ble Court in W.P.No. 4634 of 2006 and set aside the same and consequently direct the 4th respondent herein to enter our name as per the proceedings of the 2nd respondent herein in Lr. in. Rc. No. M1/COE-19027(35)/22/2020 dated 15-02-2022 and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Amaravathi

Dated : 20/2/25.

V.V.N. Nair
Counsel for the petitioner

12 ✓

IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH
AT AMARAVATHI.

W.P.NO. OF 2025

Between “-

Bala Siva Yogendra Maharaj.,
S/o. Late T. Rosaiah., Aged about 73 years.,
President, M/s. Balasiva Universal Peace Foundation.,
H..No. 4-3-197, Raja Kandaswamy Lane.,
Sultan bazar., Hyderabad. ,... Petitioner.

A n d

1. The State of Andhra Pradesh.,
Rep. by its Principal Secretary.,
Revenue (Endowments) Departments.,
Secretariat Buildings., Velagapudi.,
Guntur District
2. The Commissioner,
Endowments Department, Gollapudi.,
Vijayawada., Krishna District.
3. The Deputy Commissioner.,
Endowments Department., Kurnool.
4. The Tahsildar,
Mydukur Mandal., Mydukur,
YSR Kadapa District. .. Respondents.

AFFIDAVIT OF THE PETITIONER.

I, Dr. Balasiva Yogindra Maharaj., S/o. Late T. Rosaiah., Aged about 73 years., residing at D.No. 6/300-4, S. Mydukur., Proddatur Road., Y S R Kadapa District now having temporarily come down to



Amaravathi, do hereby solemnly and sincerely affirm and state as follows :-

1. I am the petitioner herein and well acquainted with the facts of the case.

2. I am the Founder Member and President of the Society named as Balasiva Universal Peace Foundation , having its Office at H.No. 4-3-197, Raja Kandaswamy Lane, Sultan bazaar, Hyderabad. I submit that the above society is registered under the provisions of the A.P. (Telengana Areas) Public Societies Registration Act, 1350 Fasili. Among many other objects, one of the object of the Society is to promote the establishment of Educational Institutions and to impart education to the students at places the Society feels about the need. The society is at present running various educational institutions in the state of Andhra Pradesh. I submit that our society is running various educational institutions in the Kadapa District, Srikakulam District, Kurnool District. Our society in these districts this society is running High School, Junior College and Degree Colleges and all these educational institutions are under successful funning catering to the needy students. Apart from the above educational institutions, the society is also conducting various medical camps in the rural and backward areas of Srikakulam and Rayalaseema Districts. On festivals and days of National Importance , we feed the poor people by organizing various events. The society is also involved in various philanthropic, religious and charitable activities.and various activities by conducting seminars, spiritual lecturers in various states of India as well as abroad.



3. I submit that on 02-12-1981 our society submitted a representation for allotment of certain land on payment of market value basis for the purpose of construction of buildings for the Degree College at Mydukur. The 2nd respondent herein submitted his proposals for alienation to the 1st respondent. I submit that as the lands belonging to Sri Madhava and Anjaneya Swamy Temple, N. Mydukur Village were not fetching any income to the said temple at that relevant point of time and as there was no separate corpus fund for carrying on the day to day rituals and celebrations at the temple, the 1st respondent herein had taken a decision to alienate the land in favour of our Society by fixing the value at Rs. 1,50,000/- and issued necessary orders vide G.O.Ms.No. 1322 Revenue (Endowment-IV) Department, dated 17-09-1982. Infact as per the Sale Statistics obtained by the District Collector as on 10-05-1982, the value of the land per acre in Sy.No. 1943/B was only Rs. 5,000/- and at that rate for the total extent of Ac. 16.94 cents, the registration value and sale statistics value would be around Rs. 85,000/- but however, the decision was taken by the Government to collect Rs. 1,50,000/- from the society which is almost double of the prevailing values at that point of time. Therefore, as the sale is for the benefit of the said temple at a higher price the 1st respondent issued the order. In pursuance of the said G.O., on behalf of the said temple, a registered sale deed was executed on 04-10-1982 by the Executive Officer of the said temple in our favour by conveyance of absolute rights of alienation, gift, mortgage etc., without any hindrance from the vendor and delivered possession to me on the same day. The necessary entries in the revenue records also made and the property is mutated in my favour. I submit that it is only thereafter, we constructed



the building for the degree college and since then SBSYM Degree College at Mydkur is functioning by imparting education to the seekers.


4. I submit that while the things stood thus, the 1st respondent herein issued a show cause notice in Memo. No. 31922/Endts.II (1)2004-3 dated 10-02-2005 to show cause as to why the lands alienated through G.O.Ms.No. 1322 dated 17-09-1982 should not be cancelled on the ground that some portions of the land are alienated by us as per the report of the District Collector. I submit that the said show cause notice was challenged by us in W.P.No. 4634 of 2006 before this Hon'ble Court and this Hon'ble Court after hearing both sides, by its order dated 31-03-2016 was pleased to allow our writ petition holding that once after the registered sale deed was executed in our favour by the temple without any restriction thereof about the use or enjoyment and sale of the land, it is not open to the 1st respondent to cancel the same unilaterally on the ground that some of the land portion purchased by me was alienated. Further this Hon'ble Court also found fault with initiation of such steps after 23 years of the sale deed executed in our favour and the said order became final and the 1st respondent herein by its memo. No. 07-02-2020 had withdrawn the said show cause notice issued earlier and the said issue had attained the finality. I submit that the respondents herein after execution of the sale deed, has included our property in the prohibition list properties as if the said property belongs to the Endowments department. Therefore, having no other alternative, I submitted various representations to the concerned and after getting necessary proposals from the concerned, the 2nd respondent herein by his proceedings dated 15-02-2022



directed the deletion of the land from the prohibition list and the deletion is made in Annexure-III and the revised copy was issued.

5. I submit that at that juncture, while the things stood thus, some third party got filed W.P.No. 6532 of 2022 before this Hon'ble Court and obtained an order of staus quo in all aspects by both parties. Therefore by virtue of the said orders,, the 4th respondent herein has not carried out the necessary entries in the revenue record. I submit that I contested the said writ petition by raising various grounds and also brought it to the notice of this Hon'ble Court, the orders passed in the earlier writ petition and the writ petitioner in the said writ petition has no locus standi to question the same.. I submit that after hearing both sides this Hon'ble Court by its order dated 29-11-2024 was pleased to dismiss the said W.P.No. 6532 of 2022. I submit that till date no writ appeal is served on my counsel and the said order attained finality.

6. I submit that while so, the 3rd respondent herein visited our college, i.e., Sri Balasiva Yogindra Maharaj Degree College at Mydukur on 25-08-2024 established in the Sy.No. 1943/B for the purpose of conducting an enquiry basing on the complaint of an Ex.Minister and on the telephonic instructions of the P.A., to the Hon'ble Minister for Endowments for the purpose of cancellation of the sale deed executed in our favour and sought for certain documents for which we sought 2 days time. I submit that I explained to the 3rd respondent herein about the entire details of the said land and also brought it to his notice about the passing of the orders by this Hon'ble Court in W.P.No. 4634 of 2006. I submit that I was of the fond hope that the 3rd respondent



herein submits a favourable report to the 1st respondent herein as the above issue is already adjudicated by this Hon'ble Court.

7. I submit that I submitted a representation to the 4th respondent herein on 07-02-2025 seeking to enter my name in the revenue records and brought it to the notice of the 4th respondent herein that this Hon'ble Court has already dismissed W.P.No. 6532 of 2002 on 29-11-2024 and sought to enter my name in the place of the temple for the lands purchased by me and the 4th respondent has acknowledged the same. I submit that I was of the fond hope that the 4th respondent herein shall enter my name in the place of the temple for the lands purchased by me. I submit that as I could not get any response from the 4th respondent herein, I visited the office of the 4th respondent herein for the enquiry with regard to the status of my representation. I submit that to my utter surprise and dismay, the 4th respondent herein has gave me a copy of the report submitted by the 3rd respondent herein to the 2nd respondent herein seeking for the appropriate instructions for the resumption of the land and till the necessary orders are issued by the respondents 1 and 2 he will not enter my name in the revenue record. I submit that on verifying the said report, it is brought to my notice that the 3rd respondent herein has submitted a report to the 2nd respondent seeking suitable directions for resuming of entire lands to an extent of Ac. 16-94 cents without serving the copy of the same to us and informed me that unless the outcome of the said proceedings are finalized, he was asked not to enter our names in the revenue records.



8. I submit that the action of the respondents 1 to 3 in initiating proceedings against me for the cancellation of the sale deed executed in my favour by the report of the 3rd respondent to 2nd respondent in Lr.No. B2/289/2024.Adm dated 01-09-2024 for the purpose of resumption of the lands situated at Sy.No. 1943/B N-Mydukur village of Mydukur Mandal and the action of the 4th respondent herein in not entering my names in the said land is totally arbitrary, illegal, improper, incorrect, malafide and in utter violation of the orders of this Hon'ble Court. I submit that at the instance of the very same ex-minister the 1st respondent herein initiated proceedings for the cancellation of the sale deed executed in my favour by issuing the show cause notice and the same is assailed by me in this Hon'ble Court by way of filing a writ petition in W.P.No. 4634 of 2006 and this Hon'ble Court after hearing both sides allowed the said writ petition by its order dated 31-03-2016 and categorically held that the 1st respondent has no power to cancel the sale deed and in the said writ petition, the very same ex-minister is made as a party respondent in the individual capacity and the said order binds him along with the respondents herein. Again at the instance of the very same ex-minister, the 3rd respondent herein again trying to initiate proceedings for the cancellation of the sale deed which is nothing but arbitrary and malafide exercise of power apart from flouting the orders of this Hon'ble Court. I am reserving my right to initiate appropriate contempt proceedings for flouting and violating the orders of this Hon'ble Court separately. Therefore, the report of the 3rd respondent herein is totally arbitrary and illegal and liable to be set aside.



9. I further submit that the 3rd respondent herein initiated the proceedings in a routine and mechanical manner without any application of mind. In the said report the 3rd respondent herein categorically states that this Hon'ble Court has given the judgement stating that there is no right to endowment department and not to interfere on my land and based on the said judgement the 1st respondent herein has also withdrawn the memo and the 2nd respondent herein also issued NOC on my land. Inspite of the same the 3rd respondent herein in his report submitted to the 2nd respondent herein sought for suitable directions for resuming entire land to an extent of Ac. 16-94 cents in Sy.No. 1943/B which itself speaks volumes of arbitrariness and their clear intention to flout the orders of this Hon'ble Court. I further submit that on my representation to the respondents and after following due procedure, the 2nd respondent herein issued proceedings for deleting our lands from the prohibitory list of endowments lands on 15-02-2022 and when the 4th respondent herein intends to enter our lands, again at the instance of the Ex-Minister and the Present Endowments Minister, the 2nd respondent herein submitted his report for resumption of our lands and the same is totally arbitrary and illegal.

10. I further submit that assailing the very same proceedings in which the 2nd respondent herein ordered for deletion of our lands from the prohibitory list, at the instance of the very same Ex-Minister, the same was assailed before this Hon'ble Court through his hench men by way of filing a writ petition in W.P.No. 6532 of 2022 and got obtained status quo orders and during the pendency of that writ petition anticipating that this Hon'ble Court may pass adverse orders on the



same, got obtained the impugned report through the 3rd respondent herein at the instance of the present Endowment Minister and after dismissal of the W.P.No. 6532 of 2002 when I submitted the representation for entering my name in the revenue records, the 4th respondent herein refused to enter my name on the pretext that the respondents 2 & 3 directed him not to enter my name till the proceedings are concluded which itself speaks that the respondents are acting arbitrarily and with a mala fide intention therefore, the report of the 3rd respondent in Lr.No. B2/289/2024 Admn. Dated 01-09-2024 is totally arbitrary and liable to be set aside. Further the action of the 4th respondent herein in not entering our names in the revenue records basing on the proceedings of the 2nd respondent herein in Lr.in. Rc.No. M1/COE-19027(35)/22/2020 dated 15-02-2022 is totally arbitrary and illegal. I submit that the proceedings issue by the 2nd respondent herein after obtaining the reports from the concerned solely on the basis of the oral instructions of the respondents is totally arbitrary and illegal.

11. I submit that in the above circumstances, I have no other alternative remedy except to approach this Hon'ble Court and invoke its extra ordinary jurisdiction of this Hon'ble Court by way of filing a writ petition under Article 226 of the Constitution of India. I further submit that I has not filed any other writ, suit or any other proceedings on this same cause of action and no suit or other proceedings are pending in any other court including this Hon'ble Court on this same cause of action.



12. Hence, in the above circumstances, it is 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 declaring the report of the 3rd respondent herein in Lr.No. B2/289/2024.Adm dated 01-09-2024 to the 2nd respondent herein and consequential action of the 4th respondent herein in not entering our names in the revenue records basing on the report submitted by the 3rd respondent in Lr.No. B2/289/2024.Adm dated 01-09-2024 as arbitrary, illegal, improper, malafide exercise of power apart from flouting the orders of this Hon'ble Court in W.P.No. 4634 of 2006 and set aside the same and consequently direct the 4th respondent herein to enter our name as per the proceedings of the 2nd respondent herein in Lr. in. Rc. No. M1/COE-19027(35)/22/2020 dated 15-02-2022 and pass such other order or orders as this Hon'ble Court may deem fit and proper.

13. In the interests of justice, it is further prayed that this Hon'ble Court may be pleased to stay all further proceedings in pursuance of the report submitted by the 2nd respondent herein in Lr.No. B2/289/2024.Adm dated 01-09-2024 to 2nd respondent herein pending disposal of the writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Solemnly affirmed before me,
On this the 19th day of February 2025 and
Signed his name in my presence.

Before Me,

Advocate,



VERIFICATION

I, Dr. Balasiva Yogindra Maharaj., S/o. Late T. Rosaiah., Aged about 73 years., residing at D.No. 6/300-4, S. Mydukur., Proddatur Road., Y S R Kadapa District being the petitioner herein and the person acquainted with the facts of the case, do hereby verify and state that the contents in Para Nos. 1 to 10 of the affidavit are true and correct to my personal knowledge based on information and the rest of the paras are based on advise of my counsel and believed to be true and correct.

V. V. N. Rao
Counsel for the Petitioners.



23

P1

From
T.
Sri P. Guruprasad,
Deputy Commissioner,
Endowments Department,
Kurnool.

To
The Commisssoner
Endowments Department
Vijayawada

Lr. No. B2/289/2024 Adm Dated:01/09/2024

Respected Sir,

Sub:- Endowments Department – Representation of Sri D.L. Ravindra Reddy – Ex- Minister of A.P. – resident of Khajipet Village – YSR Kadapa district – Allegations on misuse of Land in Sy. No.1943/B Extent Ac.16-94Cts – belongs to Sri Madhava & Anjaneya Swamy Temple, Mydukur(T&M) Kadapa District – which sold to Sri Balasiva Yogindra Maharaj Universal Peace Foundation – Hyderabad – Detailed report called for – Submitted.

Ref:-1. Telephone Instructions received on 20-08-2024 from the Peshi of Hon'ble Minister of Endowments of A.P.
2. Letter Dated Nil from Sri D.L. Ravindra Reddy Garu, Ex-Minister, Govt. of A.P., resident of Khajipet vg., Mydukur Mandal, YSR Kadapa district.

@@@

I submit that as per telephonic instructions received from the peshi of Hon'ble Minister for Endowments, Govt. of A.P., Amaravathi, I had been to Mydukur On 25-08-2024 in order to enquiry into the allegations levelled by Sri D.L. Ravindra Reddy Garu, Former Minister, Govt. of A.P., in the matter of restoration of lands in Sy. No.1943/B Extent Ac:16-94Cts belonging to Sri Madhava & Anjaneya S.T., Mydukur Town of YSR Kadapa district, which was sold to Sri Balasiva Yogindra Maharaj Universal Peace Foundation, Hyderabad for Rs.1.50 lakhs for construction of college buildings, otherwise than by public auction, by the Govt., as it was misused by Sri Balasiva Yogindra Maharaj for his personal use and registered to his relatives. Initially, I have met Sri D.L. Ravindra Reddy, Ex-Minister of A.P., and obtained copy of complaint along with certain documents and he requested to go through all the documents and conduct enquiry in fair manner and see that the land is restored to the temple, as the temple is not in a position to meet for daily rituals and facing financial hardship to meet day to day expenses and to conduct festivals etc., vide

24

reference cited 2nd above.

I have visited Sri Balasiva Yogindra Maharaj Degree College at Mydukur Town established in the Sy. No.1943/B which is abutting to the Main Road of Mydukur to Porumamilla Road at distance about 1 k.m. distance from Mydukur Town on 25-08-2024. Sri Balasiva Yogindra Maharaj is available during my visit to the college.

During my visit, it is found that the maintenance of College and its premises are very poor and one side construction are completely ruined and front side of the college building is only appeared to be in good condition. There is no sufficient playground is provided by the college management. There is no staff and students appeared. One S.B. Suresh, Principal of Sri BSYM Degree College, who is available during my visit, has stated today is holiday being Sunday and hence none of the staff and students are not available in the college, during my visit on 25-08-2024. When, I asked certain information about the Strength of Students, Teaching staff details, courses being offered by college, Fee structures, Income and expenditure of college, Govt. aided sanction, Renewal of College permission given by the Higher Education Department, College Committee details and its renewal and by laws etc., the Principal has stated that he required Two working days to give such information and given a letter dt:25-08-2024 (**Copy submitted for Kind Perusal**).

I have discussed about the complaint made by Sri D.L. Ravindra Reddy, Ex-Minister of A.P with Sri Balasiva Yogindra Maharaj, President of Bala Siva Universal Peace Foundation, Hyderabad on 25-08-2024 at College premises and he has given a letter dt:25-08-2024 (**Copy submitted for Kind Perusal**), along with certain documents i.e., copy of Market value report given by the Dist. Collector, Kadapa in D.Dis. No.4259/82 Dt: 10-05-1982 at Rs.5000/- per acre for land in Sy. No.1943/B at Mydukur, sale permission orders accord by the Govt. in G.O.Ms. No.1322 Rev (Endts-IV) Dept., Dt:17-09-1982, Sale deed executed by Sri N. Sivasankara Reddy, the then Manager / Executive Officer and also deed executed by him in favour of SBSYM Degree College and other Committee members etc., and he informed that as per records and sale deed, he purchased the land in Sy. NO.1943/B extent Ac.16-94Cts belongs to Sri Madhava & Anjaneya S.T., Mydukur and got registered legally and he is absolute owner with full rights of alienation, Gift, Mortgage or otherwise and enjoy the property as per sale deed, he allotted about 8-00 Acres of land as per requirement and

28

norms of the Education Department and running Degree and Junior Colleges by his society and the remaining about Ac.8-00Cts land is cultivating by his society and using its gain to maintain college, as the aided staff went to the Govt. and they maintaining the college with un-aided staff by spending its own money. Earlier, the Govt., has issued a memo asking to resume the lands to the temple, but they have approached the Hon'ble High Court and the Hon'ble High Court of A.P. given the judgment stating that there is no right to Endowment department and not to interfere on their land and based on the said judgment, the Govt., has also withdrawn their memo and the Commissioner of Endowments has also issued NOC on their lands, but a private person has filed a writ in WP No.6532/2022 on NOC and the Hon'ble High Court has issued "Status-quo" orders and the same is still pending.

During my visit to the said college on 25-08-2024, Sri B. Subbarayudu, Krishnaiah Ex-Trustees of the subject temple and some other local persons have also attended to the place of enquiry and informed that Sri Balasiva Yogindra Maharaj has enjoying the temple land for his personal benefits by giving some portion of land for college and he mischief the Govt., to knock away the temple lands under the guise of construction of college. Now, the temple is not in a position to meet daily rituals, festival expenditures, staff salaries etc., so, they have also filed a writ in high court and got status-quo orders on issuing NOC by the Commissioner of Endowments and finally requested to take steps for restoration of land to the temple and do justice to the temple. I have instructed them to send if any objections in writing to D.C. office, Kurnool and accordingly they given a representation dt:29-08-2024 to this office on 30-08-2024 **(Copy submitted for Kind Perusal)**.

Later on, Sri Bala Siva Yogindra Maharaj has issued a letter dt:28-08-2024 **(Copy submitted for Kind Perusal)** to me that you have not furnished the complaint copy and you are not expected to visit his site along with private persons, that you are not competent to ask the Principal of his education institute about academic details and you are answerable to Hon'ble High court for subjudice the matter by conducting enquiry when the issue is pending with High Court.

In this connection, I submit that Sri Madhava and Anjaneya Swamy temple at Mydukur was published under section 6© and it is under administrative

26

control of District Endowments Officer Kadapa District and its assessable income is Rs.5,91,666/- for the year 2023-2024. One Sri Prasad, E.O. Grade-II is looking after the management of the temple.

As per the report dt:29-08-2024, there is no other income sources to the temple except on sale proceed amount of Rs.18,28,299/- derived on sale of lands. At present, the temple getting monthly interest @ Rs.10,264/- p.m. which is also insufficient even to meet establishment charge of Rs.10500/- per month and there is no other income sources to the temple.

The status of temple lands is as show below;

1. Ac.16-94 Cts in Sy. No.1943/B sold by Private Negotiations for Rs.150000/-
2. Ac.19-03Cts in Various Sy. No.s sold by Public auction for Rs.16,78,299/-
3. Ac.1-00Cts kept vacant.

The following is my report on sale of land in Sy. No.1943/B, extent Ac.16-94 Cts to Sri Bala Siva Yogindra Maharaja Universal Peace Foundation, Rajakanda Gardens, Hyderabad.

- It is a fact that the land in Sy.No.1943/B extent Ac.16-94Cts belongs to Sri Madhava and Anjaneya Swamy Temple Mydukur(V&M) Kadapa District were sold away by otherwise than public auction an amount Rs.1,50,000/- to Sri Balasiva Universal Peace Foundation, Rajakanda Swamy Garden, Hyderabad for constructing buildings for the Balasiva Universal Peace Foundation Degree College at Mydukur, u/s 74(1)(c) of the repealed Act 17/1966, vide GO.Ms.No.1322, Rev(Endt.IV) Dept.,Dt:17-09-1982(Copy submitted for kind perusal).
- The then Manager/ Executive Officer has executed sale deed and registered under Doc. No.6515 on 04-10-1982 in favor of Sri Bala Siva Yogindra Maharaj of Bala Siva Universal peace foundation, 4-3-197, Sultan Bazaar, Rajakanda Swamy Garden, Hyderabad With full rights of alienation, gift, mortgage or otherwise and enjoy the property for generations and successors in the title without let or hindrance from the vendor or his successors instead of mentioning as President of SBSYM universal Peace Foundation, Hyderabad or SBSYM Degree college, Mydukur and mentioning the purpose for which the sale was permitted to him

In the said G.O.

- Accordingly, the then Manager / Executive Officer i.e., Sri N. Sivasankara Reddy (Presently demised after retirement) has registered the land in Sy. No.1943/B extent Ac: 16-94Cts by executing sale deed in Document No.6515/4-10-1982(**sale deed copy submitted for kind perusal**) in favour of Sri Bala Siva Yogendra Maharaj of Balasiva Universal Peace Foundation as against Sri Balasiva Universal Peace Foundation Rajakonda Swamy Garden, Hyderabad. In favour of Sri Bala Siva Yogendra Maharaj of Balasiva Universal Peace Foundation instead of Sri Balasiva Universal Peace Foundation Rajakonda Swamy Garden, Hyderabad as mentioned in Govt. permission orders dt:17-09-1982.
- In the year 1993, the then Deputy Commissioner, Endowments, Kurnool has submitted detailed report Lr. In Rc.No. B2/7846/85 Adm Dt:27-08-1993(**copy submitted for kind perusal**). on the complaint of Sri J. Subba Rami Reddy, President, Rythu Sangham, Mydukur received through of the Joint secretary to Govt., Rev (Endts-II) Dept., while forwarding the representation vide Jt. Secty of Govt. D.O.Lr.No.52277/ Endt-II/1/90/ Dt:06-08-1993(**copy submitted for kind perusal**).
- As per the above documents, an extent of Ac.8.00 (6 acres + Ac 1.06 cents and Ac 0.94 cents) of land was in the name of SBSYM Degree College, Mydukur as on Aug-1993, when the then DC, Kurnool conducted enquiry. Basing on the enquiry report of the D.C., Kurnool, the Commissioner, Endowments Department, A.P., Hyderabad has called for explanation of Sri N. Siva Sankar Reddy, former manager/E.O. of subject temple that under what circumstances he has registered the land violating the Govt., orders vide Commr's Rc.No.M3/84339/87/ Dt:17-9-93 & Rc.No.M3/84339/87 Dt:03-10-1994.
- Accordingly, Sri N. Siva Sankar Reddy, former manager of subject temple has submitted his explanation to the Commissioner, Endowments Department, A.P., Vijayawada through the then Deputy Commissioner, Endowments Department, Kurnool vide DC's Lr.in.Rc.No.B2/7846/85 Adm., Dt:24-01-1995, 7-4-1996 & 15-05-1996 (**Copy submitted for kind perusal**). After obtaining specific remarks from the Deputy Commissioner, Endowments Department, Kurnool on the explanation of the manager/ E.O of the subject temple in Dc's

28

Lr.In.Rc.No.B2/7846/85/Adm.,Dt:18-7-1999 **(copy submitted for kind perusal)**, the Commissioner, Endowments Department, A.P., Hyderabad was pleased to framed certain charges against Sri N. Siva Sankar Reddy, the then manager/Executive Officer of the subject temple vide Rc.No.M3/84339/87/Dt:30-9-1999 **(copy submitted for kind perusal)** and appointed the Regional Joint Commissioner, Endowments Department, MZ-II Tirupathi was appointed as inquiry officer to inquire in to the charges framed against Sri N. Sivasankara Reddy, E.O., vide Commr's Rc.No.M3/84339/87 Dt:29-05-2001. No further information is available on disciplinary matter. Subsequently, the delinquent EO retired from service and died.

- It is a fact that, the Government of A. P. Rev (Endts-II) Department have issued a show-cause notice to Sri Bala Siva yogeendra Maharaj asking to show cause as to why the G.O.Ms. No.1322 Rev (E-IV) Dept Dt:17-09-1982 should not be cancelled, vide in Memo.No.31922/Endts-II(1)2004-3,Dt:10-02-2005**(copy submitted for kind perusal)**.
- Aggrieved thereon, Sri Bala Siva Yogindra Maharaj has filed a writ in WP.No.4634/2006 before the Hon'ble High Court of AP.,Hyderabad and interim orders in W.P.M.P. No. 5847/2006 in W.P. No.4634/2006 dt:19-03-2006. Finally, the Hon'ble High Court has allowed the Writ filed by Sri Bala Siva Yogeendra Maharaj in his favour, vide order Dt:31-03-2016 **(copy submitted for kind perusal)**.
- In the brief notes dt:20-08-2024 of the District Endowment Officer, Kadapa, he has reported that the Government of AP., Rev (Endts-II) Department has withdrawn the orders issued in Memo.No.31922/Endts-II(1)2004-3,Dt:10-02-2005 and also informed that there are no grounds to file writ appeal in the High court against the Judgment of the High court in WP.No.4634/2006/ Dt:31-03-2016 vide in the Memo.no.Rev-01/Endw / 461/2019-Endts-II(2)/ Dt:07-02-2020. **(copy submitted for kind perusal)**.
- It is submitted that *in many cases, the Hon'ble Courts has held on many occasions that "the God Is Perpetual Minor and the properties of the God must be jealously protected". But, on perusal of said Government Memo.no.Rev-01/Endw /461/2019-Endts-II(2)/ Dt:07-02-2020., it is noticed that the said orders issued based on the letter dt:*

29

17-09-2019 and High Court orders dt:31-03-2016 in WP No.4634/2006 and ~~the reasons are not forthcoming as to why the Govt. has withdrawn show cause notice during the year 2020 on letter dated:17-09-2019 given by Sri Balasiva Yogindra Maharaj alone and based on High court orders issued in the year 2016. The Govt. might have issued instructions to the downward Endowment Officials for filing an Appeal against orders dt:31-03-2016 in WP No.4634/2006 or a report can be obtained from the Endowment Officials.~~

- Also, it is not known whether said Govt. orders in Memo.no.Rev-01/Endw /461/2019-Endts-II(2)/ Dt:07-02-2020 were actually issued by the Govt. and received officially by the downward authorities from the Govt. or not? If it's true, then the Endowment officials downwards are unable to move for appeal keeping in view mentioned that there are no grounds to file writ appeal in the High court against the Judgment of the High court in WP.No.4634/2006/ Dt:31-03-2016, unless the memo is cancelled.
- The District Endowments Officer Kadapa District has submitted that he sent a report to the Commissioner, Endowments Department, A.P., Vijayawada in Rc.No.A4/3361/2019/Dt:18-12-2020 to take appropriate action for issue of No Objection Certificate(NOC) to the land Sy.No.1943/B extent Ac.16.94 belongs to the subject temple and deletion from 22(A)(1) (C) as the lands are sold away as per permission orders of the Government since 38 years back and also registered. The Commissioner, Endowments Department, A.P., Vijayawada has also issued NOC to the land in Sy.no.1943/B extent Ac.16.94cents situated Mydukur(V&M) for deletion in 22A(1)(c) list, vide Commr's Lr.in.Rc.No.M1/COE-19027(35)/22/2020/Dt:15-02-2022 and one Sri Bhumireddy Subbarayudu filed WP.No.6532/2022 and the Executive Officer of subject temple filed counter in the subject WP and the case is pending.

The following mischievous acts done by Sri Bala Siva Yogindra Maharaj are observed during my enquiry with malicious intent to knock away the temple lands under the guise of establishing Degree College.

- As complaint made by Sri D.L. Ravindra Reddy, Ex-Minister and as alleged

30

in the representation dt:29-08-2024 given by Bhumireddy Subbarayudu & others to this office, it seems are to be true, as Sri Balasiva Yogindra Maharaj has got registered the temple land in his personal name instead of Sri Bala Siva Yogindra Maharaja Peace Foundation, Rajakanda Gardens, Hyderabad, without mentioning the purpose of sale requisition dt: 29-11-1981 to the Commissioner of Endowment and permission accorded by the Govt. in G.O. Ms.No.1322 Rev (Endta) Dt: 17-09-1982.

- As soon as he got registered the said temple lands (Sy. No.1943/B extend Ac: 16-94Cts), Sri Balasiva Yogendra Maharaj has sold away certain portion of the land in SY. No.1943/B Ac.16-94cents to the following persons as noted at Sl.No.2 & 3 stating that they are the members of Sri Bala Siva Yogidra Maharaj Peace Foundation, Hyderabad, who are nothing but his blood relatives.

Sl.No.	Date of execution	Extent Ac. Cents	Document No.	Name of the persons
1	20.9.85	6.00 out of 16.94	1830/1985	1.Sri BalasivaYogendraMaharaj Degree College Committee, Mydukur represented by Sri Thota KailasagireswaraRao. 2.Sri Acharya C.P.Rao, Asst. Supdt. Of Police. 3.Sri Balasiva Yogendra Maharaj(Self) 4.Sri Basanna
2	20.10.85	6.00 out of 16.94	7960/85	1.Smt Thota Venkata Lakshamma. (Mother) 2.Sri Thota Kailasagireswara Rao(Brother)
3	6.11.85	4.00 out of 16.94	8203/85	Thota Mohan Sankar(Brother)
4	25.6.92	0.94 out of 16.94	1479/92	Sri Balasiva Yogendra Maharaj Degree College, Mydukur.

- it is submitted that all the persons mentioned in the said Foundation, Hyderabad with registered No.796/1981 and renewed in the year 1983 are Govt. Officials and their family members and it is not known as to whether the said Peace Foundation is in existence or not?
- Sri Thota Kailasa gireswara Rao has sold an extent of Ac.1.06cents in

favour of Sri Balasiva Yogindra Maharaj Degree College, Mydukur. So, it found that initially, Sri Bala Siva Yogendra Maharaj has allotted land only about Ac:2-00 Cts of land for Degree College and made construction and one side of construction are completely ruined and not using for college and left it without getting repaired under the guise that there are Status-quo orders of High Court, which irrelevant to the constructions. The said status-quo orders issued on issuing No Objection Certification and deletion of the land in question from the prohibitory list sent u/s22 A(1)(c).

- Sri Balasiva Yogindra Mahraj also purchased a private land Ac.17-50Cts of Government land in Sy. No.11 from Sri Malepati Sreeram S/o Muni Ramaiah in favour of the President and Correspondent of Balasiva Yogindra Maharaj Degree College at Mydukur. **A copy of the said document is here with enclosed for kind perusal.** Here he property mentioned and purchased in the capacity of President and Correspondent of College, whereas he manipulated and got registered the temple land on his personal name instead of President of SBSM universal peace Foundation, Hyderabad. So, it clearly establishes his malice intention.
- It is submitted that as could be seen from G.O.Rt.No.1074 Education (J) Dept., Dt:27-08-1983(**Copy enclosed**) which furnished along with representation dt:29-08-2024 of B.Subbarayudu & others, the Govt. have issued specific instructions to Sri Balasiva Universal Peace Foundation on the proposal of shifting his Degree College from Mydukur to Kurnool that "Whatever land and other facilities donated by the management of Private Degree College at Mydukur should be handed over back to Endowment Department / Government as the case may be" which has been suppressed by Sri Balasiva Yogindra Maharaj. His intention to knock away the temple land with malice intent was clearly established here that he tried to shift the college from Mydukur to Kurnool. But, his intention was futile due to the orders dt:23-03-1984 of High court in WP. No.9908/1983(**Copy enclosed**).
- Sri Balasiva Yogindra Maharaj has not utilizing the land for the purpose for which it was purchased from the Endowments Department. He only registered about 8-00 Acres in the name of Sri Balasiva Yogindra Maharaj Degree & Junior Colleges, Mydukur and the remaining land was sold and registered to his Mother and Brothers as held in aforesaid paras. He also

32

let out about 4 acres to Nursery (Agriplants rising) and about 10 acres given lease for agriculture purpose where Turmeric, onion and Papaya crops have been raised in the said lands are found during my visit on 25-08-2024. The photographs taken during my visit are herewith submitted for kind perusal.

- So, it seems that the very purpose of the land acquired/ purchased by him is defeated and he nominally running the college upto 2 acres only. Further, there is hue and cry that he let out his college and its premises to some other person to run college on his name. The Teaching staff details, students strength and facilities provided by them is within norms of Education department are not known?
- The then District Collector, Kadapa has already submitted a report to the Commissioner of Collegiate Education, Hyderabad in Ref.No.B3/5722/93 Dt:27-04-1995 about the illegal sale of land purchased from Endowment Department for purpose construction of Degree College to his Mother & Brother and leasing out the lands for other than purpose. But, it is not known what action taken by the Education department
- A criminal complaint was filed and proved in Crime No.98/1983 Dt:21-10-1983 (Copy enclosed) against Sri Balasiva Yogindra Maharaj for the irregularities committed for collecting amounts from certain persons with assurance that he will provide jobs in the Degree college to be started by him.

In view of the circumstances report above, I request that the Commissioner, Endowments Department, Vijayawada may be pleased to examine the matter and submit a detailed report to the Govt., for examining the matter in detail and for issuing suitable directions for resuming of entire lands extent Ac.16-94 Cts in Sy. No.1943/B to Sri Madhava Anjaneya S.T., Mydukur, as the temple is not in position to meet daily rituals and festivals, as the temple is getting only Rs.10,264/- income per month by way interest on sale proceeds which is insufficient to meet staff salaries of Rs.10500/- per month.

P. Guru Prasad
Deputy Commissicner,
Endowments Department,
Kurnool

MYDUKUR-
7-02-2025.
P2

33

From,

Dr Baladiva Yogendra Mahaja

Prisedent.

Balasive universal Peace foundation

Raja kanda swamy lane

Sultan bazar Hyderabad.-1

TO

The Tahsildar

Mydukur (Mandal). Y.S.R. dist.

Respected sir,

Sub: Please Entry our name instead of endoments on your Records in Survey No1943/ N-Mydukur. Mydukur mendel y.s.r dist Requesting - Regd.

- Ref:**
1. Market value given by the dist collector D. DIS 4239/82 dt 10-1982
 2. G O M S 1322 (revenue endoments IV dept) dated ; 17-09-1982
 3. Registered Saledeed Copy 6515/82 Dated 4-10-1982
 - 4..Memo given by the Endoments Department 31922 Endts II (1)/2004-2 dated ; 10-2-2005
 5. Honorable Highcourt final orders in WP no 4634 of 2006 dated 31-03-2016
 - 6 .Memo withdrawn by the Principle Secretary Revenue Endowment Rev -01 Ende/461/2019-EndtsII (2) Dt 07-02-2020
 7. To Remove the Endowment name on the praporty Adressed to The Dist Registrar By commissioner endowments Rc no M1 COE-19027(35)22/2020 Dt ; 15/02/2022
 8. once again Bhumi Reddy Subbarayudu ex-chairmen of The temple went to the hornoble high court and odtained status quo order in W P No 6532 OF 2022 dt; 16-3-2022
 9. Honourble High court dismiss status quo orders by its Judgement In W. P. No 6532 OF 2022 dt 29/11/2024

I want to bring your kind notice through the Refernces read above and my humble Request to you sir , please change (Remove)

34
the name of endowments from your Revenue Records and include my name Bala Siva Yogendra maharaja, President of Sri Bala siva universal Peace foundation hyderabad, in Survey No 1943/B N-Mydukur.

Actually in the begining my name entered in your records (Refrence Ec enclosed.) Later when the endoment department Issued memo to me the endoment name entered in your revenue records. when the memo Stayed by the Honourable High Court and the final judge ment Came in my favour. Ref 5th cited.

Unfortunetly one mr Bhumi Reddy Subbarayudu Ex Chairmen of the temple and Endo ments dept people colluded and approached the Hondible High Court and obtained status co orders. Ref 8th cited. The Honourable High Court dismissed the status quo orders in W.P. No: 6532/2022 dated 29/11/2024

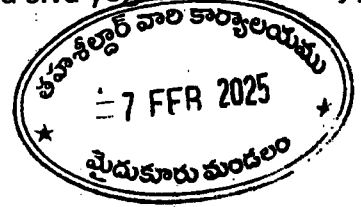
Hence I am requesting you please change of endowment name and enter my name on your revenue records.

Early orders are solicited.

Thanking you sir ,

Yours faithfully,

(Bala siva yogendra maharaj)



**GOVERNMENT OF ANDHRA PRADESH
ENDOWMENTS DEPARTMENT**

From
Dr.M.Hari Jawaharlal, I.A.S.,
Commissioner,
Endowments Department,
Andhra Pradesh, Vijayawada.

To
The District Registrar of Assurances,
Registration & Stamps Department,
Proddutur, Y.S.R. Kadapa District.

Lr.In. Rc.No.M1/COE-19027(35)/22/2020, Dt:15/02/2022

Sir,

- Sub Endowments Department – Estate Wing - Kadapa District - Issue of NOC- In
: respect of land in Sy.No.1943/B with an extent of Ac:16.94 cts situated at
N.Mydukur, Mydukur(M), Y.S.R. Kadapa (Dist) - Deletion - Orders – Issued.
Ref: 1.Rep.lr.dt:07.02.2020 from Sri Bala Siva Yogindra Maharaj, President Sri Bala
Siva Yogindra Maharaj, President Sri Bala Siva Universal Peace Foundation,
Hyderabad.
2.This office Memo.in.Rc.No.M1/19027(35)/22/2020, dt:13.03.2020 &
11.11.2020.
3. Rc.No.A4/3361/2019, dt:15.06.2020 & 18.12.2020 from the
Assistant Commissioner Endowments Department, Kadapa.
4. Orders Dt.23.12.2015 in W.A.No.343/2015 and batch from the Hon'ble High
Court for the States of Telangana and Andhra Pradesh
Hyderabad.

In the reference 1st cited, one Sri Bala Siva Yogindra Maharaj, President Sri
Bala Siva Yogindra Maharaj, President Sri Bala Siva Universal Peace Foundation,
Hyderabad has requested to remove the lands in Sy.No.1943/B measuring Ac:16.94
cts situated at N.Mydukur, Mydukur(M) Y.S.R. Kadapa (Dist) from 22 A 1 C
prohibited properties.

In the reference 2nd cited, the matter was referred to the Assistant
Commissioner Endowments Department, Kadapa to submit detailed report for taking
further action in the matter.

The Assistant Commissioner Endowments Department, Kadapa in the reference

3rd cited has submitted that, as per G.O.Ms.No.1322, Revenue (Endt.IV) Department dt:17-09-1982, Sri Madhava and Anjaneya Swamy Temples, Mydukur (V&M), Kadapa District lands in Sy.No.1943/B an extent of Ac.16.94 cents situated at N.Mydukur (V), Mydukur (M), Kadapa District were sold away by the Executive Officer of subject Temples on :01-10-1982 in private negotiation. An amount of Rs.1,50,000/- derived and registered in sale deed No.6515/82 in favour of Sri.Bala Siva Universal peace foundation, Rajakanda Swamy Gardens, Hyderabad for construction of buildings for the Bala Siva Universal peace foundation Degree college at Mydukur for Rs.1,50,000/- other wise than by public auction . As per sale deed, the than Manager of the subject temple has executed the sale deed on dt:04-10-1982.

He further submitted that, as per encumbrance certificate No.1256/2019, the land in Sy.No.1943/B extent Ac.16.94 cents is in the name of Sri.Bala Siva Yogindra Maharaj for the period January 1980 to 12-03-1984. The Government of Andhra Pradesh, Revenue (Endowments.II) Department has issued notice for cancellation of G.O. issued in G.O.Ms.No.1322 Revenue (Endowments-IV) dt:17-09-1982 vide in Memo No.31922/Endts.II(1)2004-3 dt:10-02-2005. Sri.Bala Siva Yogindra Maharaj has filed W.P.No.4634/2006 at the Hon'ble High Court, A.P., Hyderabad and get the interim orders. In the mean while these lands are entered in 22(A)(1)(C) in the year 2008, 2014 and 2016.

He further submitted that, the Government of Andhra Pradesh, Revenue (Endowments.II) Department has withdrawn the orders issued in Govt. Memo No.31922/Endts.II(1)/2004 dt:10-02-2005 with instructions to the Commissioner, Endowments Department, A.P., Amaravathi, Gollapudi, Vijayawada to take necessary action in the matter.

He further submitted that, the Village Revenue Officer, Mydukur-I has stated that the land Sy.No.1943/B extent Ac.16.94 cents is under possession of Sri.Bala Siva Yogendra Maharaj of Sri.Bala Siva Universal Peace Foundation, Rajakanda Swamy Gardens, Hyderabad it was purchased in 1982 from Endowments Department and also registered in 1982 and requested to issue NOC to the lands since they were sold long back and registered in favour of highest bidder.

The matter has been examined in detail with available records and it is

requested to delete the land in Sy.No.1943/B with an extent of Ac:16.94 cts, situated at N.Mydukur, Mydukur(M) Y.S.R. Kadapa (District) from the prohibition list.

The particulars in Annexure-III proforma is enclosed herewith.

Encl: Annexure-III.

Hari Jawaharlal M I A S
Commissioner

- 2) Copy to the Commissioner and Inspector General, Stamps and Registration Department.Eedupugallu (V), Kankipadu (M), Krishna, Dist.
- 3) Copy to the Sub-Registrar, Stamps and Registration Department, Mydukur.
- 4) Copy to the Assistant Commissioner, Endowments Department, Kadapa.
- 5) Copy to Deputy Commissioner, Endowments Department, Kurnool.
- 6) Copy to Regional Joint Commissioner, Endowments Department, Tirupati.
- 7) Extra.

Signed by Hari Jawaharlal
M I A S
Date: 15-02-2022 19:52:51
Reason: Approved

ANNEXURE - III

Deletion /Modification List to the Endowments properties.

List furnished to the Registering Officers U/Sec.22A (I) (C) of the Stamps and Registration Act 19/2007

Name of the District	Name of the Institution, Village & Mandal	Details furnished U/s 22 (A) (I) (C)				Deletion for	Reasons
		Mandal	Village	Sy. No.	Extent Ac. cts		
Y.S.R. Kadapa	Sri Madhava Swamy & Sri Anjaneya Swamy Temples Mydukur(V&M) Kadapa District	Mydukur	N.Mydukur		Ac:16.94cs	<p>The matter has been examined in detail with available records and it is requested to delete the land in Sy.No. 1943/B with an extent of Ac:16.94 cts situated at N.Mydukur (V) Mydukur(M) Y.S.R. Kadapa (Dist) from the prohibition list.</p> <p>Hence, it shall be deleted from prohibited list.</p>	<p>The Assistant Commissioner Endowments Department, Kadapa in report dt: 15.6.2020 & 18.12.2020 has submitted that, as per G.O.Ms.No.1322, Revenue (Endt.IV) Department dt:17-09-1982, Sri Madhava and Anjaneya Swamy Temples, Mydukur (V&M), Kadapa District lands in Sy.No.1943/B an extent of Ac.16.94 cents situated at N Mydukur (V), Mydukur (M), Kadapa District were sold away by the Executive Officer of subject temples on dt:01-10-1982 in private negotiation. An amount of Rs.1,50,000/- derived and registered in sale deed No.8515/R7 in favour of Sri.Bala Siva Universal peace foundation, Rajakunda Swamy Garhens, Hyderabad for construction of buildings for the Bala Siva Universal peace foundation Degree college at Mydukur for Rs.1,50,000/- other wise than by public auction. As per sale deed, the than Manager of the subject temple has executed the sale deed on dt:04-10-1982.</p> <p>He further submitted that, as per encumbrance certificate No.1256/2019, the land in Sy.No.1943/B extent Ac.16.94 cents is in the name of Sri.Bala Siva Yogindra Maharaj for the period January 1980 to 12-03-1984. The Government of Andhra Pradesh, Revenue (Endowments.II) Department has issued notice for cancellation of G.O issued in G.O.Ms.No.1322 Revenue (Endowments-IV) dt:17-09-1982 vide in Memo No.31922/Endts.II(1)2004-3 dt:10-02-</p>

						<p>2005. Sri.Bala Siva Yogindra Maharaj has filed W.P.No.4634/2006 at the Hon'ble High Court, A.P., Hyderabad and get the interim orders. In the mean while these lands are entered in 22(A)(1)(C) in the year 2008, 2014 and 2016.</p> <p>Further the Government has withdrawn the orders issued in Govt. Memo No.31922/Ends.II(1)/2004 dt:10-02-2005 with instructions to the Commissioner, Endowments Department, A.P., Amaravathi, Gollapudi, Vijayawada to take necessary action in the matter.</p> <p>He further submitted that, the Village Revenue Officer, Mydukur-I has stated that the land Sy.No.1943/B extent Ac.16.94 cents is under possession of Sri.Bala Siva Yogendra Maharaj of Sri.Bala Siva Universal peace foundation, Rajakanda Swamy Gardens, Hyderabad it was purchased in 1982 from Endowments Department and also registered in 1982 and requested to issue NOC to the lands since they were sold long back and registered in favour of highest bidder.</p>
				1943/B		

Hari Jawaharlal M I A S
Commissioner

Signed by Hari Jawaharlal
M I A S
Date: 15-02-2022 19:54:10
Reason: Approved

40 84

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

FRIDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

HON'BLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 6532 OF 2022



Between:

Bhumireddy Subbarayudu, S/o. Pichaiah, Aged 49 years, Occ. Ex-Chairman,
Sri Madhava and Anjaneya Swamy Temple, R/o. D.No. 9/289, Nandyala
Road, S.Mydukur Village, Mydukur Mandal, Kadapa-516175.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.
3. The Deputy Commissioner, Endowments Department, Kurnool, Kurnool District.
4. The Assistant Commissioner, Endowments Department, Kadapa, YSR Kadapa District.
5. Sri Madhava and Anjaneya Swamy Temple, N.Mydukur Village, Mydukur Mandal, YSR Kadapa District, Rep. by its Executive Officer.
6. Sri Bala Siva Yogendra Maharaj, President Sri Bala Siva Universal, Peace Foundation Degree College, Mydukur, YSR Kadapa District.

...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, Order or direction more particularly

one in the nature of Writ of Mandamus declaring the orders of 2nd respondent in Lr.In.Rc.No.M1/COE-19027(35)/22/2020 dated 15.02.2022, directing to delete the land to an extent of Ac.16.94 cents in Survey No.1943/B of N.Mydukur, Mudukur Mandal YSR Kadapa District from the prohibitory list maintained under section 22(A) 1(C) of the Registration Act, as being bad, illegal, contrary to the provisions of A.P. Charitable and Hindu Religious Institutions and Endowments Act 1987, besides offending Articles 14, 25 and 26 of Constitution of India and consequentially to set aside the same.

IA NO: 1 OF 2022

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 suspend the operation of order of 2nd respondent in Lr.In.Rc.No.M1/COE-19027(35)/22/2020 dated 15.02.2022, directing to delete the land to an extent of Ac.16.94 cents in Survey No.1943/B of N.Mydukur, Mudukur Mandal YSR Kadapa District from the prohibitory list, pending disposal of the Writ Petition.

IA NO: 2 OF 2022

Between:

The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.

...PETITIONER/2ND RESPONDENT

AND

1. Bhumireddy Subbarayudu, S/o. Pichaiah, Aged 49 years, Occ. Ex-Chairman, Sri Madhava and Anjaneya Swamy Temple. R/o. D.No. 9/289, Nandyala Road, S.Mydukur Village, Mydukur Mandal, Kadapa-516175.

...RESPONDENT/PETITIONER

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.
3. The Deputy Commissioner, Endowments Department, Kurnool, Kurnool District.
4. The Assistant Commissioner, Endowments Department, Kadapa, YSR Kadapa District.
5. Sri Madhava and Anjaneya Swamy Temple, N.Mydukur Village, Mydukur Mandal, YSR Kadapa District, Rep. by its Executive Officer.
6. Sri Bala Siva Yogendra Maharaj, President Sri Bala Siva Universal, Peace Foundation Degree College, Mydukur, YSR Kadapa District.

...RESPONDENTS/ RESPONDENTS

(Respondents R2 to R6 not necessary parties)

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 vacate the interim order of status quo granted in I.A.No.1/2022 in WP.NO.6532/2022, dated 16.03.2022 and dismiss the main Writ Petition as devoid of merits.

IA NO: 3 OF 2022

Between:

Sri Bala Siva Universal, Peace Foundation, Rep. by its Founder & President, H.No.4-3-197, Raja Kandaswamy Lane, Sultan Bazar, Hyderabad, Telangana State.

...PETITIONER/RESPONDENT NO.6

AND

1. Bhumireddy Subbarayudu, S/o. Pichaiah, Aged 49 years, Occ. Ex-Chairman, Sri Madhava and Anjaneya Swamy Temple, R/o. D.No. 9/289, Nandyala Road, S.Mydukur Village, Mydukur Mandal, YSR Kadapa.

...RESPONDENT/WRIT PETITIONER

2. State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.
3. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.
4. The Assistant Commissioner, Endowments Department, Kadapa, YSR Kadapa District.
5. Sri Madhava and Anjaneya Swamy Temple, N.Mydukur Village, Mydukur Mandal, YSR Kadapa District, Rep. by its Executive Officer.

...RESPONDENTS/ RESPONDENTS 1 TO 5

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 vacate the Interim Order, dt.16.03.2022 passed in W.P.No.6532/2022 as extended from time-to-time.

IA NO: 1 OF 2023

Between:

Sri Madhava and Anjaneya Swamy Temple, N.Mydukur Village, Mydukur Mandal, YSR Kadapa District, Rep. by its Executive Officer.

...PETITIONER/RESPONDENT NO.5 IN WP NO.6532

AND

1. Bhumireddy Subbarayudu, S/o. Pichaiah, Aged 49 years, Occ. Ex-Chairman, Sri Madhava and Anjaneya Swamy Temple, R/o. D.No. 9/289, Nandyala Road, S.Mydukur Village, Mydukur Mandal, Kadapa-516175.

...RESPONDENT/PETITIONER IN WP NO.6532 OF 2022

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, at Velagapudi, Amaravathi, Guntur District
3. The Commissioner, Endowments Department, A.P., Gollapudi, Vijayawada, Krishna District.

4. The Deputy Commissioner, Endowments Department, Kurnool, Kurnool District.
5. The Assistant Commissioner, Endowments Department, Kadapa, YSR Kadapa District.
6. Sri Bala Siva Yogendra Maharaj, President Sri Bala Siva Universal, Peace Foundation Degree College, Mydukur, YSR Kadapa District.

...RESPONDENTS/ RESPONDENTS

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 vacate the interim orders dated 16-03-2022 in IA.No. 6532 of 2022 on the ground of devoid of merits in the interest of justice.

**Counsel for the Petitioner: SRI V VENUGOPAL RAO, SENIOR COUNSEL
REPRESENTING SRI VENKATASUBBAIAH V**

Counsel for the Respondent Nos. 1 to 4: GP FOR ENDOWMENTS

**Counsel for the Respondent No. 5: SRI G RAMANA RAO (SC FOR
ENDOWMENTS)**

**Counsel for the Respondent No. 6: SRI P VEERA REDDY, SENIOR
COUNSEL REPRESENTING SMT. SODUM ANVESHA**

The Court made the following: ORDER



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

[3310]

FRIDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 6532/2022

Between:

Bhumireddy Subbarayudu

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. VENKATASUBBAIAH V

Counsel for the Respondent(S):

1. G RAMANA RAO (SC FOR ENDOWMENTS RAYALASEEMAREGION)

2. GP FOR ENDOWMENTS

3. SODUM ANVESHA

The Court made the following:

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India,
seeking the following relief:

"..... to issue a Writ Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the orders of 2nd respondent in Lr.In.Rc.No.MI/COE19027(35)/22/2020 dated 15.02.2022 directing to delete the land to an extent of Ac 16.94 cents in Survey No.1943/B of N.Mydukur Mudukur Mandal, YSR Kadapa District, from the prohibitory list maintained under section 22(A) 1(C) of the Registration Act as being bad, illegal, contrary to the provisions of A P Charitable and Hindu Religious Institutions and Endowments Act 1987 besides offending

Articles 14, 25 and 26 of Constitution of India and consequentially to set aside the same and to pass...."

2. Brief facts of the case are that the petitioner is the resident of S.Mydukur, and he is the strong devotee of 5th respondent temples situated at N.Mydukur village. The petitioner was appointed as trustee vide Proc.No.B2/11389/2019/Adm, dated 28.01.2020 of 3rd respondent and was elected as Chairman vide resolution dated 05.02.2020 for the 5th respondent temple and discharged his duties as Chairman for a period of two years, as such he comes within the definition of person having interest as provided under section 2(18) of Endowments Act 1987 and competent to represent the present cause. It is stated that the Government had issued G.O.Ms.No.1322 Revenue (Endowment .IV) Department dated 17.09.1982, according permission to sell the lands belonging to 5th respondent admeasuring Acs.16.94 cents situated in Survey No. 1943/B of Mydukur taluk, Kadapa District in favour of 6th respondent for construction of buildings to run Balā Siva Universal Peace Foundation Degree College at Mydukur, for a sum of Rs.1,50,000/- by private negotiations. The said G.O. was issued by exercising powers under section 74 (1) (c) of Endowments Act 17 of 1966. It is stated that, the Government has issued Memo No.31922/Endts.II (1)/2004, dated 10.02.2005 proposing to cancel the G.O. allotting the lands in favour of 6th respondent as the allottee committed breach of the purpose for which it was allotted on concessional price by private negotiations being charitable purposes. It is noticed by the office of the District Collector that the allotment

made in favour of the college was misused by alienating, creating fake documents in favour of Kith and Kin being binami vide proceedings reference No.B3/5722/93 dated 27.04.1995 of the District Collector, proposed to take initiation for resumption and for other proceedings.

While so, it appears that the 6th respondent has made an application to delete the subject lands from prohibitory list maintained under section 22A (1) (C) of Registration Act, and on such application, the 2nd respondent issued proceedings in Lr.In.Rc.No.M1/COE- 19027(35)/22/2020 dated 15.02.2022, directing to delete the subject land in Survey No. 1943/B admeasuring Acs. 16.94 cents of N. Mydukur Village. Questioning the same, the present writ petition came to be filed.

3. The Counter affidavit has been filed by the respondent No.2. While denying all the allegations made in the petition, inter alia, contended that, the 6th respondent quite detrimental to the terms and conditions stipulated at the time of sale of the land in question and thus violated the conditions imposed for the very purpose of alienation of land and sold away some portion of the land to other persons, quite against the aims and objects of the trust. The total extent of land in possession of the trust is only Ac.2.00 cts in which College Building was constructed and the remaining extent of the land has been sold away by him to 1) Thota Kailasa Giriswar an extent Ac.6.00 cts vide Document No.1830/1985, 2) Thota Venkata Lakshamma an extent Ac.6.00 cts vide Document No. 7960/85, dated 24.10.1985 and 3) Thota Mchana Shankaru Maharaj an extent Ac.4.00 cts vide Document No.8203/85, dated

31.10.1985. Thereupon, the Government issued Show Cause Notice vide Memo No.31922/Endts.- II(1)/2004-3, dated 10.02.2005 to 6th respondent calling him to submit explanation in writing within 15 days from the date of receipt of Show Cause Notice and if no reply is received within the stipulated period, it will be considered as no explanation from him and further action will be taken by the Government. Later, the 6th respondent herein filed W.P.No.4634/2006 challenging the Government Memo and to declare that he did not violate any conditions of G.O.Ms.No.1322, dated 17.09.1982 or sale deed dated 04.10.1982 and the said writ petition was allowed vide order dated 31.03.2016 setting aside the Government Memo Dt.10.02.2005 and the respondents therein are restrained from taking any action against writ petitioner therein. The Government has withdrawn its earlier Memo dated 10.02.2005 vide Memo No.Revenue-01/Endw/461/2019- Endts-II(2), dated 7.2.2020 as no grounds to prefer an appeal against judgment in W.P.No.4634/2006, dated 31.3.2016. It is further stated that, since the subject land was included in the prohibitory list U/Sec.22A(1)(c) of the Registration Act, the 6th Respondent herein made representation dated 7.2.2020 with a request to delete land in Sy.No.1943/B an extent Ac.16.94 cents at N.Mydukuru (V) from the prohibitory list. The 2nd Respondent herein after receiving report from 4th Respondent and on examination of the record, issued order vide Lr. in Rc.No.M1/COE-19027(35)/22/2020, dated 15.02.2022 ordered to delete land in Sy.No.1943/B an extent Ac.16.94 cents at N.Mydukuru (V) from the prohibitory list and communicated to the same to the

u9

concerned Registration and Stamps Department Authorities. The order passed by the 2nd Respondent dated 15.02.2022 is a speaking order with reasons and issued in view of directions of Hon'ble High Court in common order in W.A.No.343/2015 and batch dated 23.12.2015. As such it is a valid one. It is further stated that the petitioner without challenging the same, filing this writ petition without any valid material, contrary to the orders of the 2nd Respondent. Therefore there are no valid grounds to consider the case of the petitioner and hence this writ petition is liable to be dismissed.

4. The counter affidavits have been filed by respondents No.2 and 5 reiterating the averments made in the counter affidavit filed by the 2nd respondent. Whereas, the counter affidavit has been filed by the respondent No.6, wherein, while reiterating the contents made in the counter affidavit filed by the respondents No.2 and 5, contended that, they never intended to surrender the assets of the Degree College to the Government in pursuance of G.O.RT.No.228 Higher Education (CE.A2) Department, dt.1.9.2021. Only a few Aided Teaching and Non- Teaching Posts were proposed to be surrendered in view of mounting pressures put on the Degree College Management for expressing the willingness. The 6th Respondent is continued with the other available unaided Teaching and Non- teaching Staff by payment of salary from the resources of funds of this respondent. A false allegation is concocted and made as if their entire college with all its assets would be absorbed by the State Government. It was neither their intention nor the intention of the State Government for securing an ex-parte interim order, the

facts are twisted and presented in such a way as if their entire college would be taken over by the Government. Moreover, through subsequent Cir.Memo.No.1072635/CE/A1/2020, dt.12.11.2021, the State Government provided an opportunity to all those institutions to reconsider the option given earlier for withdrawal of willingness and to seek repatriation of Teaching and Non-Teaching Staff. Through its Letter, dt.15.11.2021 they have withdrawn their willingness given earlier. Consequently, the Commissioner of Collegiate Education through proceedings Rc.No.80/OP.1/2021-2, dt.16.11.2021 accepted their letter of withdrawal of willingness and repatriated the Teaching and Non-Teaching Staff back to their college and therefore the college is running as Aided College. While only a few of them filed a Writ Petition before this Hon'ble Court questioning the repatriation, majority of them have come back to Degree College and rendering their services once again. Hence, the Writ Petition itself is filed on imaginary grounds and concocted allegations. Hence, the Writ Petition is liable to be dismissed with exemplary costs.

5. This Court, vide order, dated 16.3.2022, has granted interim direction as under :

".....Status quo obtaining as on today shall be maintained in all respects by both the parties, for a period of eight weeks."

6. Heard Mr. V. Venuogpal Rao, learned Senior counsel, representing Mr.Venkatasubbaiah.V, learned counsel for the petitioner; learned Assistant Government Pleader for Endowments appearing for official respondents and

51

7

Mr. P.Veera Reddy, learned Senior Counsel, representing Ms. Sodum Anvesha, learned counsel for the unofficial respondents.

7. On hearing, learned Senior counsel appearing for the petitioner while reiterating the averments made in the petition, contended that, the Government had issued G.O.Ms.No.1322 Revenue (Endowment .IV) Department dated 17.09.1982, according permission to sell the lands belonging to 5th respondent admeasuring Acs.16.94 cents situated in Survey No.1943/B of Mydukur taluk, Kadapa District in favour of 6th respondent for construction of buildings to run Bala Siva Universal Peace Foundation Degree College at Mydukur, for a sum of Rs.1,50,000/- by private negotiations. The said G.O. was issued by exercising powers under section 74 (1) (c) of Endowments Act 17 of 1966. He further submits that the Government has issued Memo No.31922/Endts.II (1) /2004 dated 10.02.2005 proposing to cancel the G.O. allotting the lands in favour of 6th respondent as the allottee committed breach of the purpose for which it was allotted on concessional price by private negotiations being charitable purposes. It is noticed by the office of the District Collector that the allotment made in favour of the college was misused by alienating, creating fake documents in favour of Kith and Kin being binami vide proceedings reference No.B3/5722/93 dated 27.04.1995 of the District Collector, proposed to take initiation for resumption and for other proceedings. It shall not be disposed/utilized for any other purposes with prior approval of government. In view of the same it is mandatory to continue prohibition as there is likelihood of transfer of such property, particularly since

the property is an Endowed property the deletion cannot be accorded in favour of 6th respondent. He further submits that in pursuance of the order under challenge, there is likelihood of alienating the subject land by the 6th respondent since it is intended for that purpose. In such a case the temple functioning with poor economy will be put to suffer and the interest of third parties is being created, as such, it is just and necessary to suspend the operation of impugned proceedings.

Learned Senior Counsel further submits that, in similar circumstances, when there was an order of Commissioner, Endowments, deleting the land to an extent of Ac 2.00 cents each in Sy.No.998/C and D of Old Guntur Revenue Village, Guntur town, from the list of prohibitory properties maintained under Section 22A(1)(c) of Registration Act 1908, there was a challenge in WP (PIL) No.70/2022 with regard to competence, the Hon'ble Division Bench disposed of the said writ petition while setting aside the impugned order of deletion dated 09.0.2022, leaving it open to pursue remedy under Section 45 read with Section 87 of Endowments Act. Therefore, the facts of the present case are also applicable to the above judgment. Therefore, learned counsel requests this Court to pass appropriate orders.

8. *Per contra*, learned Government Pleader for Endowments reiterated the contents made in the counter affidavit. Whereas, learned Senior counsel for the respondents also reiterated the contents made in the counter affidavits filed by the respondents.

9. To support his contentions, learned Senior counsel for the respondents has placed reliance on a catena of decisions reported in (i) **Syndicate Bank, Bangalore; Gas Authority of India Limited, Bangalore; Bangalore Development Authority Kumara Park West, Bangalore vs. M/s Manyatha Residents Association and others¹**, wherein the High Court of Karnataka (DB) held in Paras 44, 45, 46, 48, 53 and 62 as under:

[44] The term "locus standi" or "standing to sue" denotes the existence of a right an individual or group of individuals to have a Court enter upon adjudication on an issue brought before that Court by proceedings instituted by the individual or the group of persons. The question of locus standi assumes importance when petitions are filed by incompetent persons. Ordinarily, a writ petition can be filed by a person aggrieved and not by a stranger except in public interest litigation and in the case of a writ of quowarranto.

[45] Article 226 of the Constitution does not lay down as to who are the persons entitled to invoke the jurisdiction of the High Court under that Article. The question of locus standi has been decided from time to time in a large number of cases. Generally, individual person or a group of persons aggrieved by any action or inaction on the part of the State or its Authorities can institute a writ petition under Article 226 of the Constitution on the premise that, there is an infringement of their right or they have been prejudicially affected by any order. Thus, the right which is the foundation for exercising the jurisdiction under Article 226 of the Constitution is the personal or individual right of the petitioner himself, though in the case of writs like, habeas corpus or quo-warranto, this rule stands modified.

[46] But, in the case of issuance of a writ of mandamus, so as to compel the Authorities to do something, it must be shown that the statute imposes a legal duty and the aggrieved party has a legal right under the statute to enforce its performance. But, where no right of the petitioner is affected, such a person has no locus standi to file the writ petition. Thus, no person can ask for a mandamus without a legal right. There must be a judicially protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by someone who has a legal duty to do something or abstain from doing something. Existence of the right is implicit for the exercise of the extraordinary jurisdiction by the High Court under Article 226. For instance, a rival in a trade has no locus standi to challenge the grant of licence to other trader on the ground that the licence was granted illegally or suffers from defect of jurisdiction, vide *J.M.Desai vs. Roshan Kumar*, 1976 AIR(SC) 578, (J.M.Desai); *Nagpur Rice and Flour Mills vs. Teekappa Gowda and Brothers*, 1971 AIR(SC) 246 (Nagpur Rice and Flour Mills). In *J.M.Desai*, provisions of Bombay Cinemas Registration Act, 1953 and the Bombay Cinema Rules, 1954...

[48] The principle of standing or locus standi in all public interest litigation if applied to individual standing, it would result in destroying the time-tested concept of "standing" which has authority in India from the Anglo Saxon Jurisprudence as well as American Law Jurisprudence. This means that, the requirement of injury is a test to be applied for having

¹ 2021 LawSuit(Kar) 302

locus standi to file a petition under Article 226 of Constitution unless it is a public interest litigation. Thus, there is a need to regulate in the context of individual standing and a careful consideration of the case must be made in order to examine and appreciate as to whether the person is aggrieved. Such an examination is required in order to avoid frivolous litigation being flooded to the High Court, thereby driving away.

[53] But, in India, such statutory provision is absent. In fact, the "person aggrieved" concept is the foundation for a writ petition being filed in a personal or individual capacity. That means a person who has suffered legal grievance who has right under a statute and he would thus be a person aggrieved.

62. The above is in contra-distinction to a petition filed purely in public interest. In the case of public interest litigation, the petitioners would have no personal or individual interest in the subject matter of the petition. It is filed purely in public interest so as to secure justice for those who cannot approach the Court or in order to assail an illegal action initiated by the Government, its agencies or instrumentalities. In such a case, doctrine of *locus standi* is relaxed and the same is for the purpose of bringing to the notice of the High Court (or Supreme Court under Article 32 of the Constitution) for securing justice, in the realm of enforcement of fundamental rights, constitutional rights, or other legal rights for the benefit of those persons who are not in a position to approach the Constitutional Courts and in the larger interest of the general public. In all other cases, where a writ petition is filed under Article 226 of the Constitution, for enforcement of a fundamental right or any legal right, such a petitioner must have a *locus standi* to do so by demonstrating that there is a legal wrong done to him by violation of his right and therefore, being an aggrieved person, has the right to file the writ petition and not otherwise.

(ii) In **Raviyashwant Bhoir versus District Collector, Raigad, and others²**, wherein the Hon'ble Supreme Court held that :

44. Shri Chintaman Raghunath Gharat, Ex-President was the complainant, thus, at the most, he could lead the evidence as a witness. He could not claim the status of an adversarial litigant. The complainant cannot be the party to the lis. A legal right is an averment of entitlement arising out of law. In fact, it is a benefit conferred upon a person by the rule of law. Thus, a person who suffers from legal injury can only challenge the act or omission. There may be some harm or loss that may not be wrongful in the eyes of law because it may not result in injury to a legal right or legally protected interest of the complainant but juridically harm of this description is called *damnum sine injuria*. The complainant has to establish that he has been deprived of or denied of a legal right and he has sustained injury to any legally protected interest. In case he has no legal peg for a justiciable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer a *locus standi* to sue upon the individual. There must be *injuria* or a legal grievance which can be appreciated and not a *stat pro ratione voluntas* reasons i.e. a claim devoid of reasons. Under the garb of being necessary party, a person cannot be permitted to make a case as that of general public interest. A person having a remote interest cannot be permitted to become a party in the lis, as the person wants to become a party in a case, has to establish that he has a proprietary right which has been or is threatened to be violated, for the reason that a legal injury creates a remedial right in the injured person.

² (2012) 4 Supreme Court Cases 407

(iii) In **Vinoy Kumar versus State of U.P and others**³, wherein the Hon'ble Supreme Court held that :

Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas- corpus or quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason or poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.

10. Perused the material available on record.

11. As seen from the impugned order dated 15.02.2022 of 2nd respondent, wherein it is observed that one Sri Bala Siva Yogindra Maharaj, President of Sri Bala Siva Yogindra Maharaj, President of Bala Siva Universal Peace Foundation, Hyderabad has requested to remove the lands in Sy No.1943/B admeasuring Ac 16.94 cts situated at N.Mydukur, Mydukur (M), Y.S.R. Kadapa (Dist) from 22 A (1)(C) of Prohibited properties.

12. It is also observed that , as per encumbrance certificate No.1256/2019, the land in Sy.No.1943/B extent Ac.16.94 cents is in the name of Sri.Bala Siva Yogindra Maharaj for the period January 1980 to 12-03-1984. The Government of Andhra Pradesh, Revenue (Endowments.II) Department has issued notice for cancellation of G.O. Issued in G.O.Ms.No.1322 Revenue

³ (2001) 4 Supreme Court Cases 734

56

(Endowments-IV) dt:17-09-1982 vide in Memo No.31922/Endts. II(1)2004-3 dt:10-02-2005. Questioning the same, Sri.Bala Siva Yogindra Maharaj has filed W.P.No.4634/2006 before High Court, A.P., Hyderabad and obtained the interim orders. Meanwhile, these lands are entered in 22(A)(1)(C) in the year 2008, 2014 and 2016. While so, the Government of Andhra Pradesh, Revenue (Endowments II) Department has withdrawn the orders issued in Govt. Memo No.31922/Endts.II(1)/2004 dt:10-02-2005 with instructions to the Commissioner, Endowments Department, A.P., Amaravathi, Gollapudi, Vijayawada to take necessary action in the matter. It is further observed that, the Village Revenue Officer, Mydukur-I has stated that the land Sy.No.1943/B extent Ac.16.94 cents is under possession of Sri.Bala Siva Yogendra Maharaj of Sri.Bala Siva Universal Peace Foundation, Rajakanda Swamy Gardens, Hyderabad it was purchased in 1982 from Endowments Department and also registered in 1982 and requested to issue NOC to the lands since they were sold long back and registered in favour of highest bidder. Thereafter, the matter was examined in detail and it is requested to delete the land in Sy No.1943/B with an extent of Ac 16.94 cts situated at N.Mydukur, Mydukur (M) Y.S.R Kadapa District from the prohibition list.

13. As seen from the order of a learned Division Bench of this Court passed in WP (PIL) No.70 of 2022 dated 29.03.2023, wherein this Court observed that :

By filing an additional counter-affidavit dated 28.03.2023, the Commissioner of Endowments has stated that the communication/order under challenge has been kept in abeyance pending disposal of this writ petition, vide orders in Rc.No.19022(35)/6/2020 dated 20.03.2023, and the registration authorities are requested to continue the lands covered by Sy.No.998/B, C, D & E to an extent of

Ac.2.00 cents each at Old Guntur, Guntur, in the prohibitory list maintained under Section 22A(1)(c) of the Act of 1908, till further orders. It is further categorically stated that once an entry is made in the register maintained under Section 43 of the Act of 1987, the remedy available for the aggrieved party is to approach the A.P. Endowments Tribunal, and, therefore, the 8th respondent herein, who is the applicant before the Commissioner for deletion of property in question from the list of prohibited properties maintained under Section 22A(1)(c) of the Act of 1908, has to approach the A.P. Endowments Tribunal, invoking Section 87 read with Section 45 of the Act of 1987. The Commissioner has sought permission of this Court to withdraw his earlier affidavit filed on 20.07.2022.

7. Mr. V. Venugopala Rao, learned senior counsel appearing for respondent No.8, by referring to Sections 92 and 93 of the Act of 1987, tried to impress upon this Court that under the said provisions, the Commissioner of Endowments has suo motu power to call for records and pass appropriate orders in relation to any order passed under the Act of 1987.

8. However, on a plain reading of the provisions contained in Sections 92 and 93 of the Act of 1987, it is evident that such power is available to the Commissioner only when no suit, appeal or application or reference to a Court is provided under the said Act. Once the entry in the register maintained under Section 43 of the Act of 1987 is open for correction in proceedings under Section 45 read with Section 87 of the Act of 1987, the jurisdiction under Sections 92 and 93 of the Act of 1987 is not available to the Commissioner. 9

In view of this legal position and since admittedly, the remedy available to the aggrieved party for deletion of an entry in the register of properties maintained under Section 43 of the Act of 1987 prohibited for registration under Section 22A(1)(c) of the Act of 1908, is to approach the Endowments Tribunal under Section 45 read with Section 87 of the Act of 1987, we are of the considered opinion that the impugned communication/ order cannot be sustained.

14. Upon perusing the entire material on record and on hearing the submissions of both the learned counsels, this Court is of the view that, generally speaking a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. Further, the relief under Article 226 of the Constitution is based on the existence of a right in favour of the person invoking the jurisdiction.

15. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is

an effective legal aid organization which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason or poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.

16. In the instant case the petitioner had not file the petition in public interest and did not disclose the circumstances which prevented the affected persons from approaching the court.

17. Having regard to the facts and circumstances of the case, this Court found no merit in the instant petition and the same is liable to be dismissed.

18. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel, interlocutory applications, if any pending, shall stand closed.

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Venkatasubbaiah V Advocate [OPUC]
2. Two CCs to GP for Endowments, High Court of Andhra Pradesh. [OUT]
3. One CC to Smt. Sodum Anvesha Advocate [OPUC]
4. One CC to Sri G Ramana Rao (SC for Endowments) [OPUC]
5. Three CD Copies

TF

60 19 PS

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION NO: 4634 OF 2006

Between:

Sri Balasiva Yogindra Maharaj, S/o.Late T.Rosaiah,
President, Sri Balasiva Universal Peace Foundation,
Raja Kandaswamy Garden, Sultan Bazar, Hyderabad.

.....PETITIONER

AND

1. The Government of A.P., rep by its Secretary, Revenue (Endts-II)
Department, Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner, Endowments Department, Hyderabad.
3. D.L.Ravindra Reddy, S/o.Not Known to the Petitioner,
Member of Legislative Assembly (Mydukur Constituency),
R/o.Mydukur, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that
in the circumstances stated in the affidavit filed therewith, the High Court may
be pleased May be pleased to

a) issue a direction or order, more particularly one in the nature of
Writ of CERTIORARI calling for the connected records including the impugned
Memo.No.31922/Endts.II(1)/2004-2, dated 10/2/2005 (served on 2/3/2006) and
to quash the same as illegal, improper, unjust and contrary to law,

b) to declare that the petitioner did not violate any conditions of
G.O.Ms.No.1322 dated 17/9/1982, or sale deed dated 4/10/1982 as alleged in
the impugned memo dated 10/2/2005,

c) also declare that the successive enquiries in the matter and
particularly after closure of proceedings, are unwarranted and illegal.

d) also declare that the action of the respondents in depriving the
petitioner his land to an extent of 16-94 acres in S.No.1943/B of Mydukur,
Kadapa District would be in utter violation of Article 300-A of the Constitution of
India and also declare that the representation of 3rd respondent dated
22/8/2004 and subsequent further action is motivated and suffer from
arbitrariness and malice.

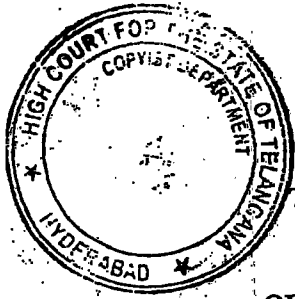
WPMP NO. 5847 OF 2006

Petition under Section 151 CPC praying that in the circumstances
stated in the affidavit filed in support of the writ petition, the High Court may be
pleased to suspend the memo No.31922/Endts.II(1)/2004-2, dated 10/2/2005
served on 2/3/2006, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI N.BHARAT BABU
Counsel for Respondent Nos. 1 & 2: GP FOR ENDOWMENTS
Counsel for Respondent No. 3: NONE APPEARED

The Court made the following: ORDER





6

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No. 4634 of 2006

ORDER:

In this Writ Petition, the petitioner has questioned the proceedings in Memo.No.31922/Endts.II(1)/2004-3 dt.10-02-2005 issued by the 1st respondent asking the petitioner to show cause why orders issued by 1st respondent in G.O.Ms.No.1322, Rev.(Endts.IV) Department dt.17-09-1982 should not be cancelled.

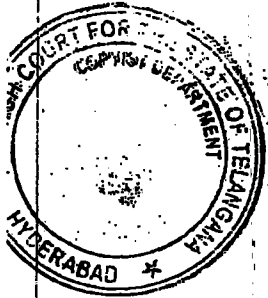
2. The petitioner is the founder President of Balasiva Universal Peace Foundation, Hyderabad which is a Society registered under the Societies Registration Act, 1860. According to the petitioner, the Society was established with the object of performing yagnas for the welfare of the Universe, to promote religious and cultural activities, publication of spiritual books, to render medical aid and feeding centers to the poor. It also runs educational institutions in the name of Sri Balasiva Yogindra Maharaj and had established a degree college at Kasibugga, Srikakulam District, a degree college in Kumool, Kumool District and also a degree college at Mydukur, Cudapah District.

3. An extent of Ac.16.94 cents in Sy.No.1943/B located at Mydukur, Kadapa District belonged to Sri Madhavaswamy and Sri Anjaneya Swamy Temples. The Endowments Department put this land to public auction. According to the petitioner, no one quoted market value since the bidders including traders, farmers and villagers formed us a cartel and had not allowed the Endowments Department



to get the market value for the land. Having coming to know this, on 02-12-1981, the petitioner offered to purchase the said land for Rs.1,50,000/-. According to the petitioner, at that time the market value of the land was only Rs.5,000/- per acre i.e. Rs.85,000/- as per the statistics obtained by the District Collector, Kadapa. The negotiations for sale were conducted by the then Hon'ble Minister for Endowments Sri P.V.Chowdhary in his chambers with the petitioner. Ultimately G.O.Ms.No.1322 Revenue (Endts.[V]) Department dt.17-09-1982 was issued by 1st respondent invoking its power under Section 72(1)(c) of the Andhra Pradesh Charitable and Religious Institutions and Endowments Act, 1966 deciding to sell away the above land belonging to the said Temples in favour of petitioner Society for construction of buildings for the Balasiva Universal Peace Foundation Decree College at Mydukur otherwise than by public auction.

4. Pursuant to the said decision, a registered sale deed was executed on 04-10-1982 by the Manager of the above temples in favour of the petitioner. Under the terms of the sale deed, consideration of Rs.1,50,000/- was received by the said Temples. The above property was transferred to the petitioner to hold the same absolutely with full rights of alienation, gift, mortgage or otherwise enjoy the property for future generations without any hindrance from vendor or of his successors, assignees or legal representatives. The



63

[Handwritten signature]

MSR.J
W.P.No.4634 of 2006

petitioner was also put in possession of the property on the same day by the vendor.

5. According to petitioner, subsequent to purchase of the above land, certain portions of it had to be sold on 24-10-1985 and 31-10-1985 to his brothers for the purpose of constructing buildings to set up Sri Balasiva Yogindra Maharaj Degree College at Mydukur. This institution, according to petitioner, was recommended for grant-in-aid on 28-12-1992 by the Director of Collegiate Education and G.O.Ms.No.52, dt.05-09-1993 was also issued admitting the posts to grant-in-aid w.e.f. 10-04-1990.

6. The petitioner alleges that 3rd respondent, who was the sitting M.L.A. of Mydukur made false allegations against him and the College set up by him through one M.J.Subbarami Reddy alleging that temple lands purchased by petitioner were sold contrary to the Government Order and the property be resumed and criminal action be initiated against him.

7. Petitioner contends that on the basis of the said complaint, the District Collector, Kadapa issued a show cause notice dt.27-04-1995 to the petitioner asking him to show cause why the said lands should not be resumed since portions of it are alienated to others contrary to the Government Orders.

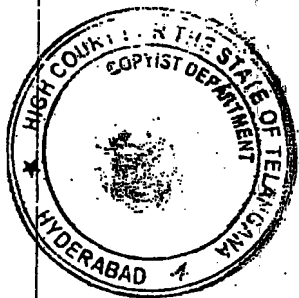
8. After submitting explanation, petitioner filed an appeal before the 1st respondent and obtained stay of all further proceedings

4 5 64
MSRJ
W.P.No.4634 of 2006
HIGH COURT FOR THE
CCPYST DEPT.
HYDERABAD

pursuant to the said notice vide memo No.35534/Endts.II-1/95-
dt.07-06-1995. According to petitioner, nothing transpired thereafter
till date and the proceedings appear to have been dropped by the
District Collector, Kadapa.

9. In 2004, the 3rd respondent got elected as M.L.A. from
Mydukur Constituency and petitioner alleges that he again made a
false representation to the District Collector, Kadapa and to the then
Hon'ble Chief Minister of the State of Andhra Pradesh in respect of
transfer of land made by petitioner, which was purchased in 1982
from the above institutions. In that representation the 3rd respondent
requested the Hon'ble Chief Minister and the Endowments Minister to
resume the property sold to petitioner.

10. Thereafter impugned show cause notice in memo
No.31922/Endts.II(1)/2004-2 dt.10-02-2005 was issued by
1st respondent stating that the sale deed was executed in favour of the
Society, of which the petitioner is a President, but the Society acted
detrimental to the terms and conditions stipulated at the time of sale of
land, violated the conditions imposed and sold away portion of land to
others against the aims and objects of the Trust and the Society had
only Ac.2.00 of land in which the college building was constructed
and the remaining had been sold away by petitioner to his kith and
kin. The said memo referred to the then market value of
Rs.15,00,000/- per acre and the Sub-Registrar value at Rs.37,000/- per
acre as per the report of the Additional Commissioner of



65

ΣΣ

~~60~~

7

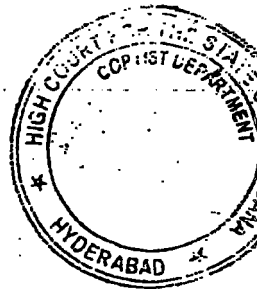
MSRJ
W.P.No.4634 of 2006

Endowments. It asked petitioner to show cause why the land should be resumed by cancelling the G.O.Ms.No.1322 Revenue (Endts.IV) department dt.17.9.1982 on the ground that objects for which he got the land were not fulfilled.

11. Although this notice is dated 10-02-2005, the petitioner alleged that this was served on 02-03-2006.

12. Petitioner contends that the said memo is illegal and contrary to law; that in the said memo there is already a predetermination of the decision and issuance of show cause is nothing but an empty formality; that on 17-09-1982, G.O.Ms.No.1322 was issued by 1st respondent according permission to sell the land at Mydukur in favour of petitioner by exempting it from public auction on petitioner paying Rs.1,50,000/-, which was the double the market value at that time; that the recitals in the sale deed indicate that there is a transfer of full rights in the land to petitioner without any restriction; that the contention of 1st respondent that only Ac.2.00 cents of land remained with the college is not correct, since the college had Ac.8.00 of land apart from another Ac.17.50 cents purchased by petitioner at the time when the college was admitted to grant-in-aid vide G.O.Ms.No.52 dt.05-03-1993.

13. Learned counsel for petitioner relied upon the judgment of this Court in A.B.C. India Limited Vs. The A.P. Industrial



6

Infrastructure Corporation Limited¹ wherein this Court has held that after sale deeds are executed without any condition, the same cannot be cancelled unilaterally. He also relied on Section 11 of the Transfer of Property Act, 1882 and contended that when the transfer of immovable property is completed by execution of a sale deed, even if there is any restriction in the sale deed disentitling the transferee from operating or disposing of his interest, such a condition would be void and the transferee can enjoy the property ignoring the same.

14. On the other hand, learned Government Pleader appearing for respondents supported the impugned memo and relied upon the judgments in *Chenchu Rami Reddy and another Vs. The Government of A.P. and others*² and *Somanatha Reddy and others Vs. Government of A.P. and others*³. He contended that sale by private negotiations instead of public auction is prohibited by law and that the very proceeding G.O.Ms.No.1322 dt.17-09-1982 sanctioning sale by the above temples of the land in favour of Sri Balasiva Universal Peace Foundation is not valid and consequently no rights flowed to petitioner under the registered sale deed dt.04-10-1982 executed by the said temples in his favour.

15. I have noted the contentions of both parties.

16. A reading of the impugned memo, which asks the petitioner to show cause why G.O.Ms.No.1322 Revenue (Endts.IV) Department

¹ 2010(6) ALT 142
² AIR 1986 SC 1158(1)
³ 2001(2) ALT 515



MSK.J
W.P.No.4634 of 2006

67
6
dt.17-09-1982 should not be cancelled, no where indicates that the said sale was not in the interest of the vendor Temples. The only reason why the said G.O. is sought to be cancelled under the impugned memo by 1st respondent is that certain alienations have been done by petitioner out of the land purchased under the sale deed dt.04-10-1982 in favour of his kith and kin.

17. Section 74(1)(c) of the Act states:

"(c) Every sale of any such immovable property sanctioned by the Commissioner under Clause (b) shall be affected by public auction in the prescribed manner subject to the confirmation by the Commissioner within a period prescribed;

Provided that the Government may, in the interest of the institution or endowment and for reasons to be recorded therefor in writing, permit the sale of such immovable property, otherwise than by public auction."

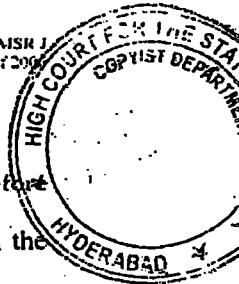
18. According to petitioner, at the time when 1st respondent approved the sale of the above land in petitioner's favour for Rs.1,50,000/-, the District Collector had obtained the market value of this land from the Tahsildar, Proddutur, which indicated that the market value was Rs.5,000/- per acre only. Petitioner has placed before me proceedings D.Dis.No.4259/B2 dt.10-05-1982 of the then District Collector, Cuddapah addressed to the Secretary to Government, Revenue (E.IV) Department, A.P., Hyderabad stating this fact. No counter affidavit is filed by 1st respondent disputing the fact that the offer made by petitioner at Rs.1,50,000/- is far in excess of the market value of Rs.85,000/- as provided by the Tahsildar.

Proddutur to the District Collector, Kadapa in May, 1982. Therefore undoubtedly the sale in favour of petitioner on 04-10-1982 is in the interest of the temples referred to above even though it was done by negotiations and not by public auction. It is not as if anybody had offered a higher rate according to respondents in the public auctions conducted for the sale of the said lands by the Temples prior to May, 1982.

19. No doubt in the decisions cited by the learned Government Pleader a view was taken that normally sale of properties of institutions ought to be by public auction and not by private negotiations, but the fact remains that the sale in favour of petitioner by the Temples was on 04-10-1982 and even the 1st respondent is not contending that the sale in favour of petitioner on 04-10-1982 preceded by G.O.Ms.No.1322 dt.17-09-1982 was not for the benefit of the institution. In any event, the said sale is sought to be questioned more than 22 years after it has happened only on the ground that the petitioner had alienated some of the purchased land to his kith and kin. Therefore the decisions cited by the learned Government Pleader have no application to the facts of the case.

20. Section 11 of the Transfer of Property Act, 1882 states:

"11. Restriction repugnant to interest created :- Where, on a transfer of property, an interest therein is created absolutely in favour of any person, but the terms of the transfer direct that such interest shall be applied or enjoyed by him in a particular manner, he shall be





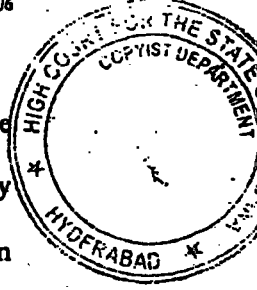
10

entitled to receive and dispose of such interest as if there were no such direction.

Where any such direction has been made in respect of one piece of immovable property for the purpose of securing the beneficial enjoyment of another piece of such property, nothing in this section shall be deemed to affect any right which the transferor may have to enforce such direction or any remedy which he may have in respect of a breach thereof."

21. This was considered in A.B.C. India Limited (I) supra) by this Court and this Court had categorically held that when transfer is completed on execution of sale deed, even if there is any restriction operating on the transferee, such a restriction would be void and the transferee is entitled to receive and dispose of his interest as if there was no direction. In that case, allotment of land was made by the A.P. Industrial Infrastructure Corporation Limited to various persons followed by registered sale deeds executed in favour of the purchasers. Ten years later the said sale deeds were sought to be cancelled on the ground that the purchasers had not set up industrial units pursuant to the allotments made in their favour. This Court had held that the A.P. Industrial Infrastructure Corporation Limited cannot unilaterally cancel the sale deeds on the ground that the transferee did not fulfill the terms of the allotment.

22. Having regard to the above legal position, I am of the opinion that after the registered sale deed was executed in favour of petitioner by the above referred Temples without any restriction therein about the enjoyment of the sale of land or use of the said land by petitioner,



it is not open to 1st respondent to attempt to cancel the same unilaterally on the ground that some portion of the land purchased by petitioner was alienated by him to his kith and kin, more so, when this is attempted to be done 23 years after the sale in favour of petitioner.

23. The Writ Petition is accordingly allowed and the Memo.No.31922/Endts.II(1)/2004-3 dt.10-02-2005 of the 1st respondent is set aside as being arbitrary, illegal and not *bona fide* and the respondents are restrained from taking any action against petitioner on the above ground. No costs.

24. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

That Rule Nisi has been absolute as above witness the Hon'ble Sri Dilip B. Bhosale, The Acting Chief Justice on this Thursday, The Thirtieth day of March, Two Thousand and Sixteen.

SD/-G. RAJESWAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Revenue (Endts-II) Department, Government of A.P., Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner, Endowments Department, Hyderabad.
3. One CC to Sri. N. Bharat Babu, Advocate (OPUC)
4. Two CCs to GP for Endowments I, High Court of Judicature at Hyderabad. (OUT)
5. Two CD Copies

PM

msm

Certified to be true copy
Superintendent
Copyist Department
High Court for the State of
Telangana, Hyderabad.

71 P6

GOVERNMENT OF ANDHRA PRADESH
REVENUE (ENDTS.II) DEPARTMENT

Memo.No.Rev-01/Endw/461/2019-Endts.II(2).

Dated 07-02-2020.

Sub:- Endowments Department - Sale of land in Sy.No.1943/B measuring to an extent of Ac.16.94 cts located in Mydukur, Kadapa District belonging to Sri Madhavaswamy and Sri Anjaneya Swamy Temples in favour of Sri Bala Siva Universal Peace Foundation, Hyderabad by a registered sale deed - show cause notice - Withdrawal - Reg.

- Ref: 1.G.O.Ms.No.1322, Rev (End.IV) Dept., dated 17-09-1982.
2. Govt Memo No.31922/Endts.II(1)/2004, dated 10-02-2005.
3. Hon'ble High court orders in WP No. 4634 of 2006, dt.31-03-2016.
4. Representation from Sri Bala Siva Yogindra Maharaj, President, Sri Bala Siva Universal Peace Foundation, Hyderabad dated 17-09-2019.

>>><<<

The attention of the Commissioner, Endowments Dept is invited to the references cited. Government after careful examination of the matter hereby informed that the Commissioner of Endowments Department was permitted to sell away the land measuring an extent of Ac.16.94 cents in Survey No.1943/B belonging to Sri Madhava Swamy and Sri Anjaneya Swamy Temples, Mydukur, Kadapa District in favour of Sri Bala Siva Universal Peace Foundation, Hyderabad for construction of building for the degree college at Mydukur for Rs.1,50,000/- otherwise than by public auction vide G.O. first cited. The land was registered in the favour of the above foundation on 04.10.1982 with right to alienate, gift, mortgage or otherwise enjoy the property. Hence, by execution of sale deed, the seller conveys the ownership of property to the purchaser and seller cannot unilaterally cancel the conveyance or sale.

2. In the instant case, the land to extent of 16.94 acres in Survey No.1943/B belonging to Sri Madhava Swamy and Sri Anjaneya Swamy Temples, Mydukuru Village was alienated in favour of Sri Bala Siva Universal Peace Foundation, Hyderabad by a Registered sale deed with a right to alienate the property unconditionally.

3. Therefore, the orders issued in the G.O.first cited cannot be cancelled by the Government on the ground that the alienee sold the land purchased by him. Further, there are no good grounds to file Writ Appeal in the High Court against the above judgment of the High Court in WP No. 4634/2006, dated 31.3.2016. Hence, the orders issued in the reference 2nd cited is withdrawn.

4. The Commissioner, Endowments Dept is requested to take necessary action in the matter accordingly.

V.USHARANI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Endowments Dept, Vijayawada
✓ Sri Bala Siva Yogindra Maharaj, President, Sri Bala Siva Universal Peace Foundation,
Sultan Bazar, Hyderabad.

Copy to:
PS to Pri.Advisor to C.M
OSD/PS to Minister of Endowments
PS to Pri.Secretary, Revenue (Endts) Dept.

// FORWARDED :: BY ORDER //


SECTION OFFICER

72 ✓
File No. COE-19027(35)/22/2020-M SEC-ENDOWMENTS

Office of the Commissioner,
Endowments Department,
A.P., Vijayawada.

Memo.No.M1/COE-19027(35)/22/2020-M SEC-ENDOWMENT,
dated: 13/03/2020

Sub: Endowments Department – Estates Wing – Sale of land in Sy.No 1943/B measuring to an extent of Ac. 16.94 cents located in Mydukur, Kadapa District belongs to Sri Madhavaswamy and Sri Anjaneya Swamy Temples in favour of Sri Bala Siva Universal Peace Foundation, Hyderabad by a registered sale deed-Show cause notice-Withdrawal- forwarded the representation- Regarding.

Ref : 1. Representation dated 07.02.2020 from Sri Bala Siva Yogindra Maharaj, President, Sri Bala Siva Universal Peace Foundation, Hyderabad.
2. The Govt. memo Rev-01/Endts/461/2019-Endts.II(2), dated 07.02.2020

*** **

A copy of the references cited together with its enclosures may be sent to the Assistant Commissioner, Endowments Department Cuddapah. He is invited to the reference cited, he is requested to take necessary in this matter, and submit a detailed report with his specific recommendations immediately, if necessary so as to take further action.

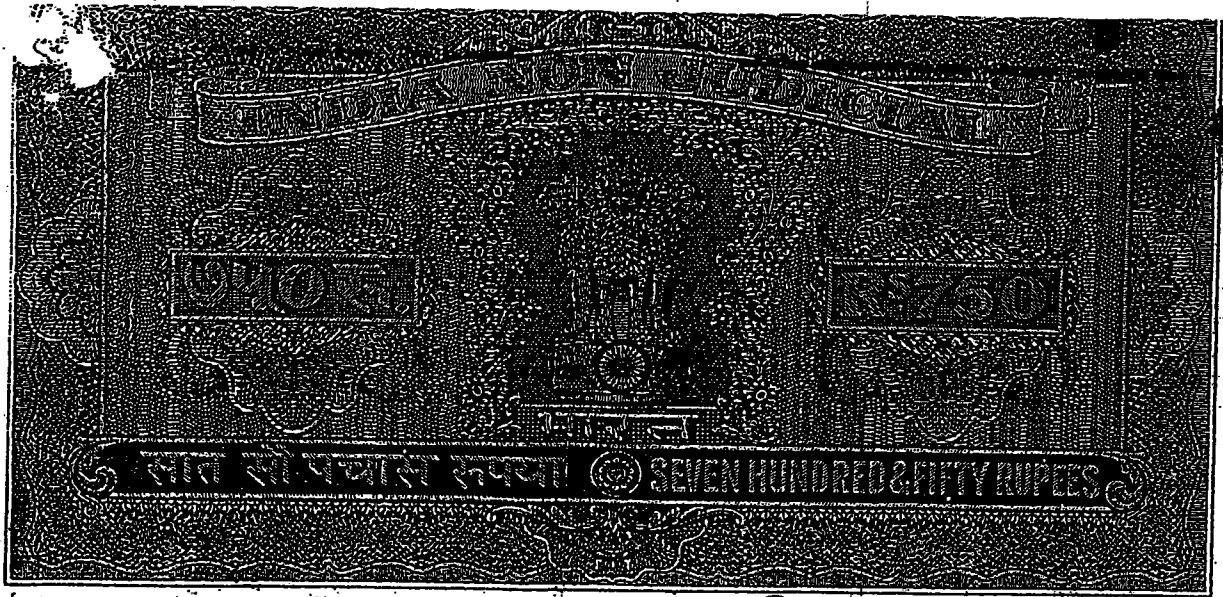
CHANDRA KUMAR T
ADDITIONAL COMMISSIONER

To

1. The Assistant Commissioner, Endowments Department Cuddapah
2. Extra.

Signature valid

Digitally signed by [REDACTED]



97

03/ dated...

d. Bi. Rs...

Present...

under...

73

Joint Sub-Registrar

Office, District

GUDGAPATI

4/10

Sale deed For Rs 150000/-
entered on 4.10.1982 (Fourth October
fifteen hundred and eighty two) by

X N. ...

651
6515/82

N. 74

Smt. Reddy

N. Simamsetty Reddy, S/O N. Rukhadevi

Mongu

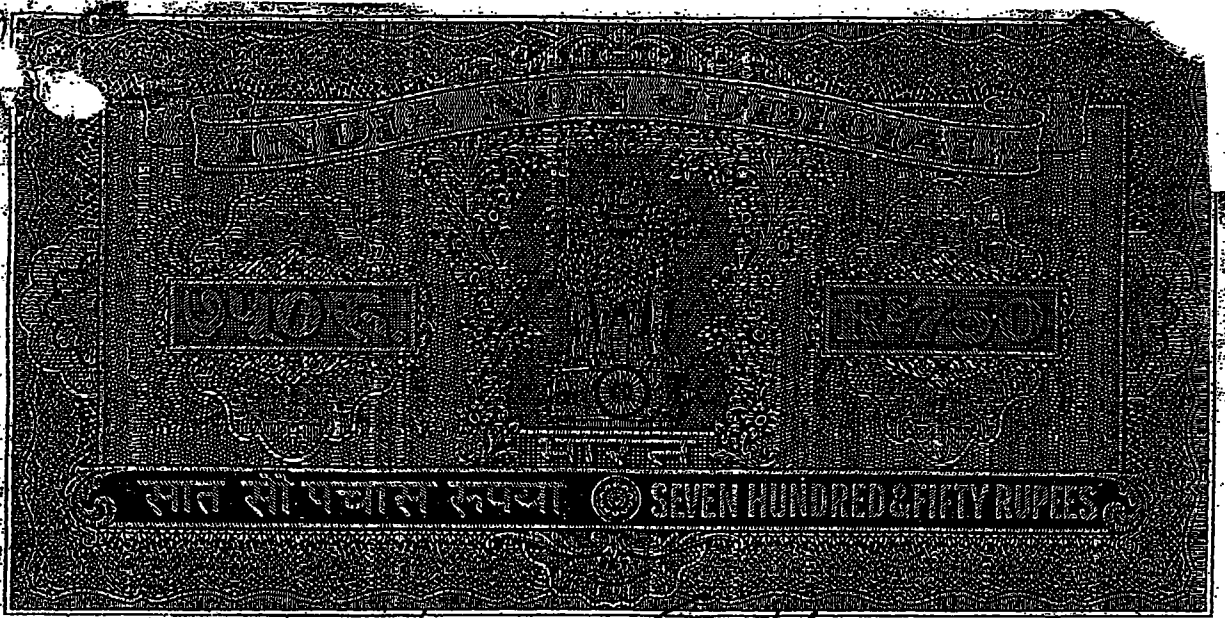
grop temple Mydichur

M by the Cuddapah Dist

the Rajahmundry Dist. Govt of P. T. M. Reddy of M. of D. M. of

active of M. T. M. Reddy. Cuddapah (P. T. M.)

Subordinate. Ge. R. Narayana Rao. In and P. T. M. of Cuddapah



303 dated 4.12.1981

Sri. P. Bala Subramanian
President
Foundation for
Hyderabad

75
Joint Sub-Registrar
Office Stamp

Joint Sub-Registrar
Office Stamp
GUDDAPALLE

Sivasankaradoly Manager Madhava
swamy and Sri Anjaneya Swamy temples

for the foundation for Hyderabad

for the foundation for Hyderabad

for the foundation for Hyderabad



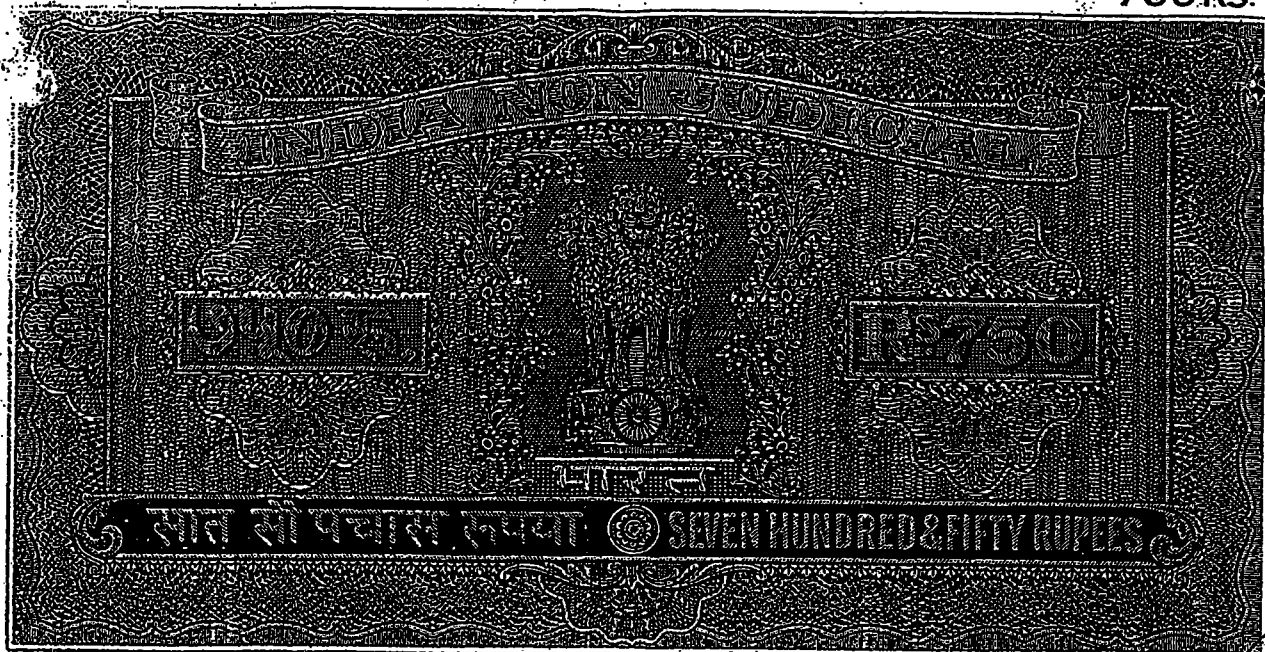
113063 dated 4.10.1970 No. 750/

to Sri. Bala Srinivasan, founder
 whom President, Sri. Bala Srinivasan, peace
 foundation, Hyderabad

77 48
 Joint Sub-Registrar
 Office Stamp V.
 CUDDAPAI
 4/10

Department, permission granted un-
 der Section 74(1)(c), of the act 17 of 1966

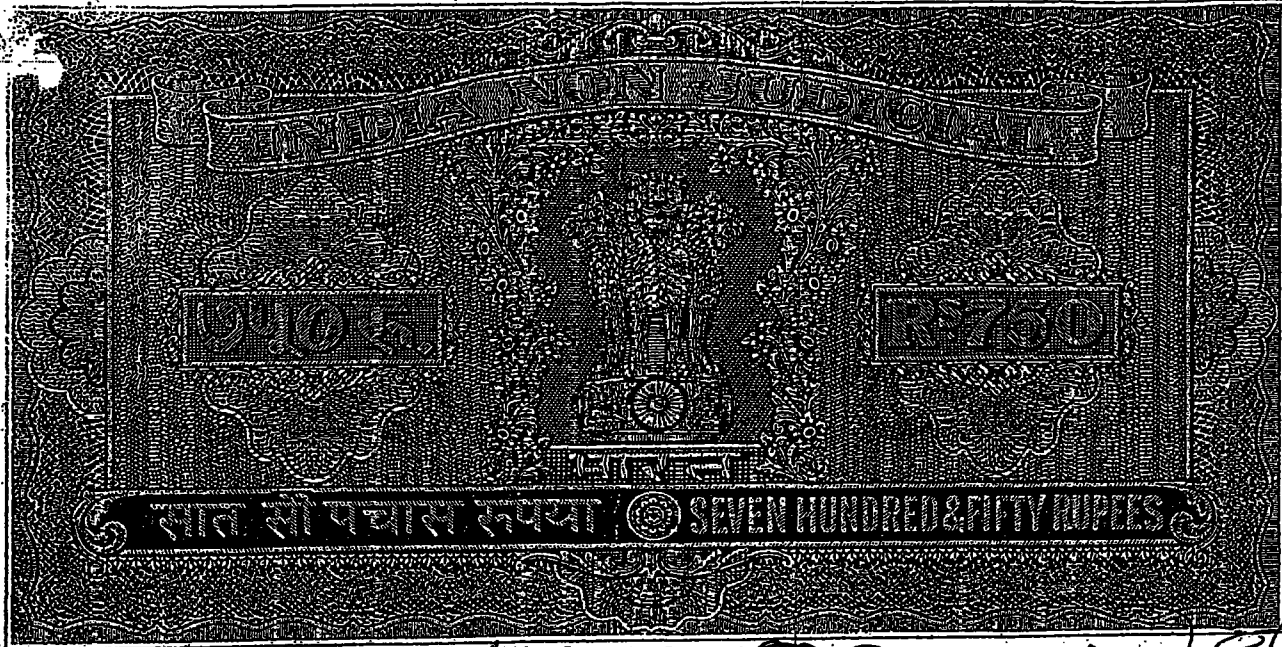
x N. Srinivasan Reddy



No. 13064 dated 1.10.1982 750/ 78 100
 d to Sri. Sri. Bala Siva Yaggeswar Maharaj founder of Joint Sub-Register
 whom President Sri Bala Siva Universal Peace Foundation. Hyderabad
 Joint Sub-Register
 Office Stamp
 CUDDAPAI
 4/10

and in exercise of RCNO.7167/81-13-3-
 dated 1.10.82, N. Sivaramkarreddy

x N. Sivaramkarreddy



No. 13065 dated 4.10.1975/ 79 Po. No. 26
 old to Sri Bala Subrahmanyam J. founder Joint Sub-Registr.
 in whom residing Sri Bala Subrahmanyam Universal Peace Office Stamp Ven.
 Foundation, Hyderabad. GUDDAPAH
 4/10

Manager Mysurur who is authorised
 by the Assistant Commissioner endow-
 ments to execute the sale deed in favor

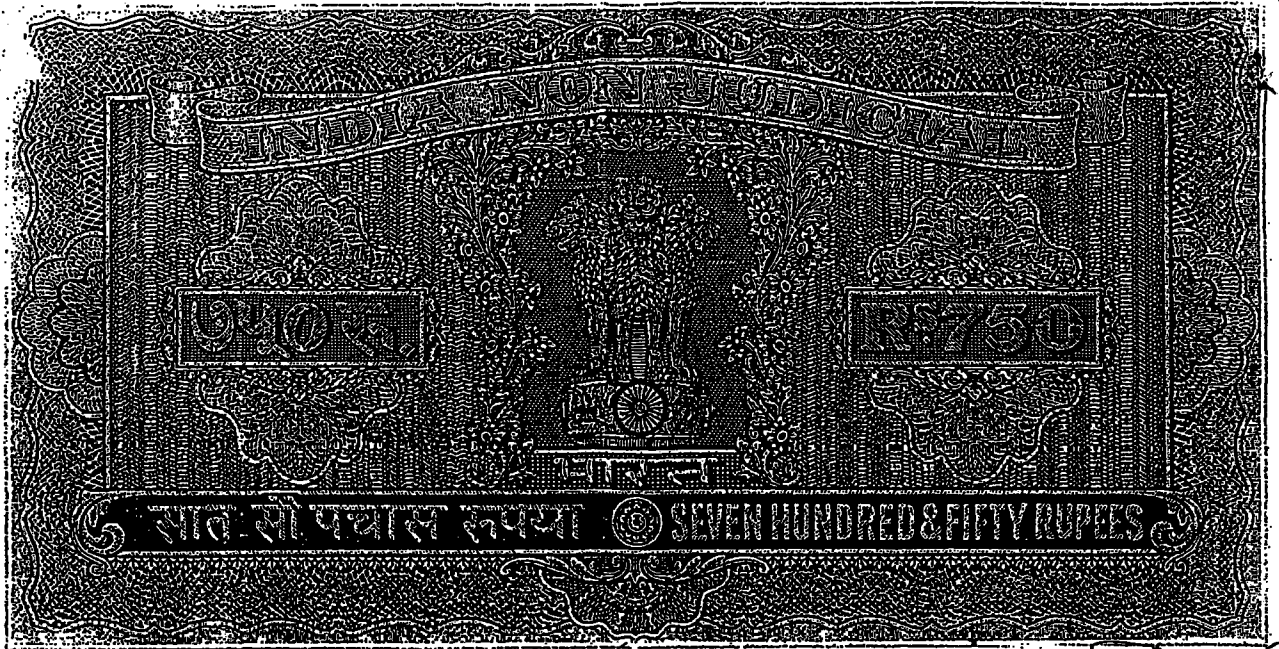
N. Subrahmanyam Reddy



No. 3066 dated 10.10.1982 Rs. 750/- 90 20
d to Sri. Sri. Balasivayogendra Mahara
L. whom. President of Sri. Balasiva Universal
foundation, 1. SEL. 1982
Joint Sub-Registrar
Office Stamp V.
GUDDAPAH
4/10

of Sri. Balasivayogendra Maha
raj of Sri. Balasiva Universal
peace foundation 4-3-197
Bajaj Sultan Bazaar
Erasure in line 3. and inter lineation

x N. Sri. Sri. Balasivayogendra Mahara



No. 13068 dated 4.10.1970/92 ✓
 4 to Sri. Sri. [illegible] founder
 to whom [illegible] Joint Sub-Registrar
 Office Stamp Value
 GUDDAPAH
 (9)

Property described in the Schedule
 herein, intends to sell the property to
 the vendee for the above said consi-
 deration of Rs 1,50,000/ one lakh

x N. Sri vasudha Naidu



No. 13069 dated 4/12/1941 Rs. 750/-
 Id to Sri. B. S. Balasubrahmanyam, President of the Peace Foundation, Hyderabad.
 83
 Joint Sub-Registrar
 Office Stamp
 GUDDAPAH
 4/10

and fifty thousands only. The Vendor received the above sale amount from

X N. Srinivas Reddy



No. 307 dated 4/10/1981-750/

Id to Sri. S. S. Reddy, founder
of when founded the
foundation. Hyderabad

85
peace

Joint Sub-Registrar
Office Stamp
GUDDAPALLE
4/10

acknowledged: The Vendor hereby
conveys, transfers and assigns by
this deed the Schedule property to

x N. S. Reddy



No. 1327 dated 4.10.1989 No. 7/89

Id to Sri. Dr. D. S. Singh
President Dr. D. S. Singh
Peace foundation
(16)

30 89
+ above 750000 P. No. 1327
Universal
Joint Sub-Register
In-Office Stamp V.
GUDDAPAH
4/10

The Vendor or any of his Successors
assigns or legal representatives.

x N. Srinivasan Reddy

INDIA NON SOLI DIGNA

७५०

७५०

सात सौ पचास रुपये

SEVEN HUNDRED & FIFTY RUPEES

ld to Sri. Sripal Singh Gogoi
on whom President Sir Tejendra
Prasad Saradachar, L.

Mineral
Limestone

Joint Sub-Registrar
In-Office Stamp
GUDDAPAH.

4/10

47/

The possession of the property is today delivered to the Vendor. In consent-

x N. Lincoln & Noddy



1307 dated 4/10/1981
to Sri. D. Balu Srinivasulu
whom President of
Peace Foundation. Hyderabad

91
Caharaj founder B. Na
(Commercial)
Joint Sub-Reg.
Office Stamp V.
GUDDAPAP
4/10

whereof the vendor puts his hand to
his deed of Sale at Chulalapah the

x N. Srinivasulu Reddy



No. 3033 dated 4.10.1943
 sold to Sri. P. V. Subrahmanyam
 President of the
 Chidolapur Raj Bahadur
 Hyderabad

93 D. Na
 Joint Sub-Registrar
 Office Stamp Ven
 GUDDAPAH
 4/10

(20) - Schedule -

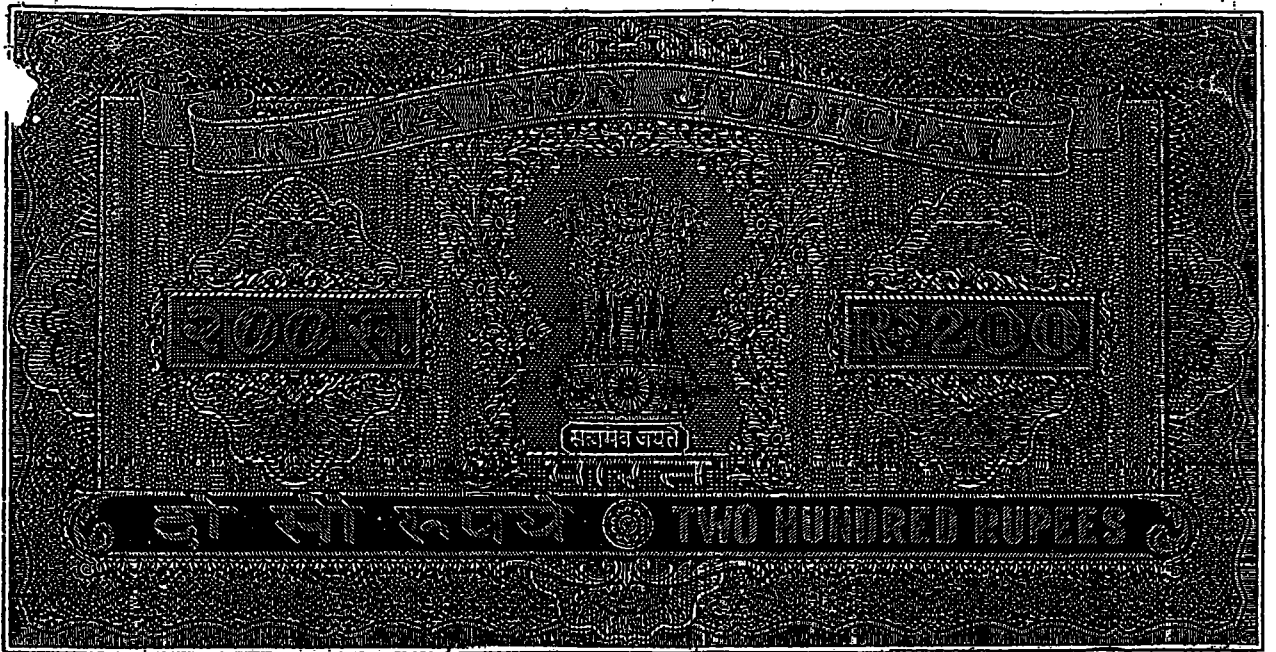
Chidolapur District - Mydukur Sub-
 District - Mydukur Panchayat - N.
 Mydukur.

Govt-dry SNO 1943/B of this

A.C. 16.94 cents (6.960 Hectares)

bounded by East: Land of Banali
 Basanna and Soddala Veeranna

x N. G. V. Reddy



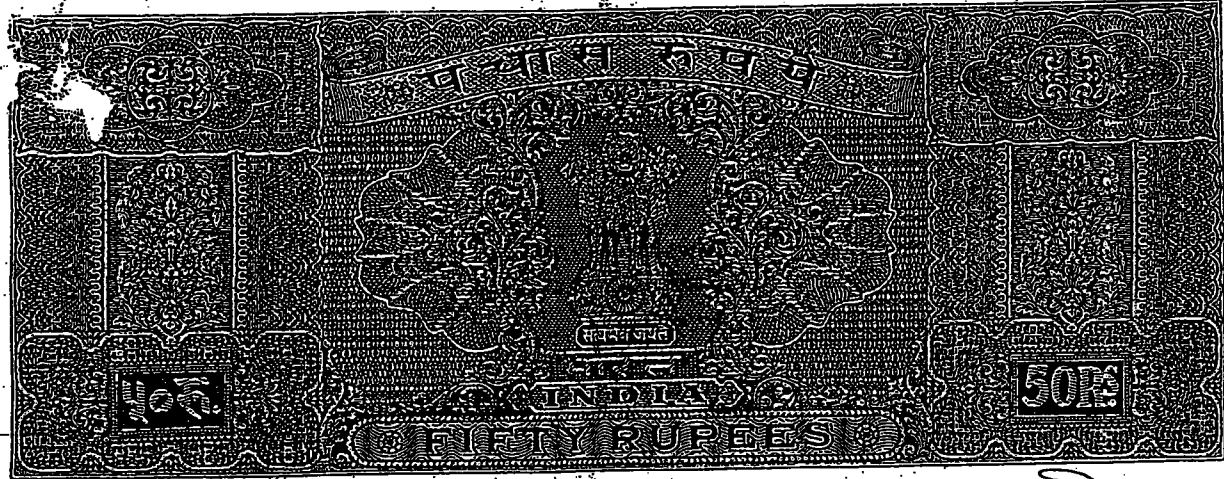
No. 3034 dated 4.10.1985
 d to Sri [illegible] 94
 [illegible] [illegible]

[illegible] P. N. [illegible]
 Joint Sub-Registrar
 Office Stamp Ven
 SUDHAPAH
 4/10

(21)

West - Purnanilla Road: North
 Land of Sri B. P. Venkataramana Reddy
 South: Land of Sri. Gasetty Thimm
 Jari peddamaadanna. within this
 Sixteen acres and Ninety four cents

x N. Sri [illegible] Reddy



3031 dated 10-10-82
 Sri. D. D. Kulkarni
 born 10-10-1912
 married to R. S. Kulkarni

95

P. N. J. at
 Joint Sub-Registrar
 Co-Op. Stamp V.
 GUDDAPAH
 4/10

(22)
 his property does not attract the
 provisions of the Act-29 1977.
 Market Value is Rs 150000/-.

x N. S.

10.82

Witnesses

1. M. D. Kulkarni

1 M. K. Kulkarni & M. B. Kulkarni
 1 M. K. Kulkarni & M. B. Kulkarni

2. M. K. Kulkarni

1 M. K. Kulkarni & M. B. Kulkarni

3. K. Kulkarni

1 M. K. Kulkarni & M. B. Kulkarni

this is prepared and written by
 Janappa Perimer L No 1/79
 R No 129/82 Guddeapah.

~~20~~ 96
NEAT COPY

Sale Deed for Rs.1,50,000/-

Entered on 4.10.1982 (Fourth October Nineteen Hundred and Eighty Two) by Siva Sankar Reddy, Manager, Madhava Swamy and Sri Anjaneya Swamy Temples, Mydukur, Cuddapah District in pursuance of the exercise G.O.Ms.No.1322 dated 17.9.82 (Revenue Endowments) Department permission granted under Section 74 (1) (c) of the Act 17 of 1966 and in exercise of Rc.No.7167/81-13-3 dated 1.10.82, N. Siva Sankar Reddy, Manager, Mydukur who is authorized by the Assistant Commissioner Endowments to execute the sale deed in favour of Sri Balasiva Yogendra Maharaj of Sri Balasiva Universal Peace Foundation, 4-3-197, Sultan Bazar, Raja Kandaswamy Garden, Hyderabad the sale deed witnesseth that the vendor is the absolute authority of the property described in the schedule herein, intends to sell the property to the vendee for the above said consideration of Rs.1,50,000/- one lakh and fifty thousands only. The vendor received the above sale amount from the vendee at the time of Registration in pursuance of the registering officer, the receipt of which is hereby acknowledged. The vendor hereby conveys, transfers and assigns by this deed the schedule property to the vendee that the vendee shall hold the property as absolute owner from herein after with full rights of alienation, gift, mortgage or otherwise and enjoy the property for generations and successors in the title without let or hindrance from the

97



vendor or any of his successors assigns or legal representatives. The possession of the property is today delivered to the vendee. In consent thereof the vendor puts his hand to this deed of sale at Cuddapah this the 4th day of October 1982 in the presence of the witnesses given here under.

SCHEDULE

Cuddapah District – Mydukur Sub-District – Mydukur Panchayat, N.
Mydukur.

Govt-dry S.No.1943/B of thus Ac.16.94 cents (6.960 Hectors) bounded by:

East: Land of Bandari Basanna and Soddala Veeranna

West: Porumamilla Road

North: Land of Sri B.P. Venkatramana Reddy

South: Land of Sri Gosetty Thimmaiahgari Pedda Madanna

Within this sixteen acres and ninety four cents. This property does not attract the provisions of the Act 2 of 1977.

Market Value is Rs.1,50,000/-

Witnesses:

1. Sd/- M. Naga Subbanna

2. Sd/- Bandi Basanna

3. Sd/- K. Lakshmana Rao

Copy of B.Dis.4259/82 dt 10.5.82 from Sri M.Narayana, I.A.S.,
District Collector, Revenue Department, Goudapah
addressed to the Secretary to Government, Revenue (E, IV)
Department, A.P., Hyderabad and copied to the Commissioner,
Endowments Department, Hyderabad for information.

Sir,

Sub: Land - Market Value - Goudapah Dist. - Proddatur
taluk - Hyderabad villages - S.No. 1043/2 - Sri Mahaveer
rayaswamy Temple Lands - Estimation of market value - Report
submitted.

Ref: Govt. Memo No. 1972/2 dt 10.5.82 in connection
in Commission, Hyderabad Dept. of Revenue
Collector, Goudapah

With reference to the letter dated 10.5.82 from the
Tahsildar, Proddatur who has submitted the report, it is
reported that the value of the land in S.No. 1043/2
village of Proddatur is Rs. 1000/- and the same is
I agree with the market value as proposed by the Tahsildar, Proddatur.

True copy:

Sd/- 10.5.82

True copy:

True copy:

99

NEAT COPY

DD

Copy of D.Dis.4259/82, dt.10.5.82 from Sri. M. Narayana, I.A.S.,
District Collector, Revenue Department, Cuddapah addressed to the
Secretary to Government, Revenue (E.IV) Department, A.P. Hyderabad
and copies to the the Commissioner, Endowments Department,
Hyderabad for information

* * *

Sir,

Sub: Land – Market Value – Cuddapah Dist. – Proddatur Taluk –
Mydukur Village S.No.1943/B – Sri Madhavarayaswamy Temple
Lands – Fixation of Market Value – Report submitted

Ref: Govt. Memo No.1979/E.IV/A1/81-3, dt.27.3.82 communicated in
Commissioner, Endowments Dept., A.P. Hyderabad
Rc.No.M3/69007/81, dt.6.4.1981 addressed to the District
Collector, Cuddapah

* * *

With reference to the letter cited, I am to state that the Tahsildar,
Proddatur who has consulted the sales statistics, has reported that the value of
the land in S.No.1943/B of N. Mydukur Village of Proddatur is Rs.5,000/- (Rs.
Five Thousand Only) per acre. I agree with the market value as proposed by the
Tahsildar, Proddatur.

Yours faithfully,
Sd/- P. Munnaiah,
P.A. to Collector

: True copy:

Sd/- XXX 10.5.82
For Collector,

: True copy:

Sd/- XXX 4.6.82
Superintendent

: True copy:

GOVERNMENT OF ANDHRA PRADESH
Revenue (Endowments-II) Department

Memo.No.31922/Endts.II(1)/2004-3

Date: 10.02.2005

Sub: Endowments - Religious - Sri Madhava Swamy and Sri Anjaneya Swamy Temples, Mydukur, Kadapa District - Orders issued in G.O. Ms. No. 1322, Rev. (Endts.IV) Department dated: 17.9.1982 selling the land in S. No. 1943/B measuring Ac. 16.94 cents in favour of Sri Balasiva Universal Peace Foundation, Raja Kanda Swamy Garden, Hyderabad for educational institution by private negotiation u/s 74 of the Act 17 of 1966 - Show Cause Notice for cancellation of G.O. Ms.No. 1322, Revenue (Endts.II/1) Department, dated: 17.9.1992 - Issued.

- Ref (1) G.O. Ms. No. 1322, Revenue (Endts.IV) Department, dated: 17.9.1982.
- (2) Government Memo. No. 31922/Endts.II(1)/2004-3 Rev. (Endts.II/1) Deptt., dated: 14.9.2004.
- (2) From the Commissioner, Endowments Department, Hyderabad Letter in Rc. No. M2/42008/2004, dated: 3.11.2004.

Whereas in the reference first cited, orders were issued granting permission under proviso to Section 74(1) (c) of the Andhra Pradesh Charitable and Hindu religious Institutions and Endowments Act 17 of 1966 (A.P. Act 17 of 1966) to sell away the land measuring an extent of Ac. 16.94 cents in S.No. 1943/B belonging to Sri Madhava Swamy and Sri Anjaneya Swamy Temples, Mydukur, Kadapa District in favour of Sri Balasiva Universal Peace Foundation, Rajakanda Swamy Garden, Hyderabad for construction of buildings for the Balasiva Universal Peace Foundation Degree College at Mydukur for Rs. 1,50,000/- (Rupees one lakh and fifty thousands only) other wise than by public auction.

And whereas, on a reference from the Government second cited, the Commissioner, Endowments Department, got the matter enquired into by the Additional Commissioner (Endowments) Sri A.B. Krishna Raddi and forwarded the report of the Additional Commissioner dated: 1.11.2004 with his reference third cited for taking further action in the matter.

3. And whereas, the Additional Commissioner (Endowments) in his report dated: 1.11.2004 has reported that Sri Balasiva Yogindra Maharaj requesting to allot land for establishment of Degree College and construction of buildings thereto. Government have issued orders in G.O. Ms.No. 1322, Rev. (Endts.IV) Deptt. dated: 17.9.1982 permitting alienation of land measuring Ac. 16.94 cents in S. No. 1943/B belonging to the above temples, as per the provisions of 74(1)(c) of the repealed Endowments Act, 1966 (A.P. Act 17 of 1966), for construction of buildings for the Sri Balasiva Yogi Universal Peace Foundation Degree College at Mydukur on a consideration of Rs. 1,50,000/- otherwise than by public auction. In pursuance of the Government orders, instructions were issued by the Assistant Commissioner (Endowments) Kadapa to collect the sale amount of Rs. 1,50,000/- from Sri Balasiva Yogindra Maharaj of Balasiva Yogi Universal Peace Foundation, Hyderabad and arrange for registration of the deed belonging to the above temple as per the G.O. Accordingly, the then Executive Officer executed sale deed in favour of Sri Balasiva Yogi Universal Peace Foundation, Sultan Bazar, Hyderabad under document No. 6575/1982 of Sub-Registrar Office, Kadapa.

101

48

100

by collecting the sale consideration on 4.10.1982 and invested the same in FDRs. But Sri Balasiva Yogindra Maharaj acted quite detrimental to the terms and conditions stipulated at the time of sale of the land in question, and thus violated the conditions imposed for the very purpose of alienation of land and sold away some portion of the land to other persons. Quite against the aims and objects of the trust. The total amount in possession of the Trust, at present, is only Ac. 2.00 cents in which college building was constructed. The remaining amount has been sold away by him as follows:

Sl. No.	Name of the Person	Extent	Document No.
1	Sri Thota Kandra Giriraj	Ac. 2.00 (out of Ac. 18.94 cts)	1830/1981
2	Sri Thota Venkata Lakshmanam	Ac. 8.94 (out of Ac. 18.94 cts)	1960 24.10.1983
3	Sri Thota Mohan Shankar (HARIT)	Ac. 8.00 (out of Ac. 18.94 cts)	2283 31.10.1983

And whereas, he further reported that during the year 1992, Sri Balasiva Yogindra Maharaj executed a sale deed in favour of Sri Balasiva Yogindra Maharaj Degree College, Mydukur for giving only 0.94 cents and 1.06 cents out of Ac. 18.94 cents already sold under document nos. 1830/82, dated: 25.6.1992 and 1960, dated: 27.6.1992. At present the college is established and is running in Ac. 2.00 cts only. At present the college is taking admission into B.Sc., B.A., B.Com., and Intermediate (P.C. & H.C.). The college consists of 16 rooms at present for running classes, library, lab for Chemistry and physics and staff rooms etc. The Additional Commissioner has further reported that he has visited and inspected the rooms and buildings of the college. It cannot be held as a college and the rooms are in a bad shape and they do not speak of college. He has also reported that with regard to the present market rate of the land, his inquiry reveals that the market rate for the first six acres of land located by the said of main road leading to Nellore, the rate is stated to be Rs. 15.00 lakhs per acre and as per Sub-Registrar it is Rs. 37,000/- per acre. Remaining land of Ac. 8.94 cts is Rs. 9.00 lakhs per acre while as per Sub-Registrar the value is Rs. 37,000/- per acre. He came to the conclusion that in view of the above facts, it is to be inferred that the said Sri Balasiva Yogindra Maharaj has not fulfilled the objects to which he got the land. Hence, the ADC requested the Government to cancel the said G.O and permit the EO to resume the land as per the provisions of the Act by instituting proceedings besides filing criminal complaint against Sri Balasiva Yogindra Maharaj for misleading the Government and its functionaries and for causing heavy loss to the temple.

5. And whereas, the Additional Commissioner requested the Government to cancel the said G.O and permit the EO to resume the land as per the provisions of the Act by instituting proceedings besides filing criminal complaint against Sri Balasiva Yogindra Maharaj for misleading the Government and its functionaries and for causing heavy loss to the temple.

6. Now, therefore, Government after careful consideration of the matter have provisionally decided to cancel the orders issued in the reference first cited and to resume the land in question under the provisions of the Andhra Pradesh Charitable & Hindu Religious Institutions and Endowments Act, 1987.

7. In the circumstances stated above, Dr. Balasiva Yogindra Maharaj, President, Universal Peace Foundation, Raja Kondasamybagh, Sultan Bazar, Hyderabad is requested to show cause as to why the orders issued in G.O.Ms.No. 1322, Revenue (Ends IV) Department, dated 17.9.1982 should

125-

102

349

He is requested to submit his written explanation in the matter within (15) days from the date of receipt of this Show Cause Notice and if no reply is received within the stipulated time, it will be construed that the he has no explanation to offer, and further action will be taken by the Government based on the material available with them.

N. VENKATA SUBBAIAH
DEPUTY SECRETARY TO GOVERNMENT

To
Sr. Balasiva Jagannatha Mahara;
Sr. Balasiva Jagannatha Mahara Foundation,
P. No. 1, Nallabandla Gachhi,
Sultan Bazar, Hyderabad.
(Care of Commissioner of Endowments Department)
The Commissioner of Endowments Department, Hyderabad Hyderabad.
(with a request to get the notice served on the party and send the duplicate copy of the notice with dated acknowledgement)
SF

/ Forwarded :: By Order /

P. K. K. P. K.
SECTION OFFICER

Today i.e. on 2nd March 2006 at 3.30 P.M. I Came down to the Commissioner chamber and receiving this Memo as per the directions of Commissioner Endowments Dept. After his phone message I Came here and receiving today.

[Signature] 2/3/2006

(D. BALASIVA JAGANNATHA MAHARA)

Received the above
acknowledgement
from Mr. D. Balasiva
Jagannatha Mahara
2/3/2006

103

NEAT COPY

GOVERNMENT OF ANDHRA PRADESH
Revenue (Endowments.II) Department

Memo.No.31922/Endts.II(1)2004-3

Date:10.2.2005

Sub: Endowments – Religious – Sri Madhava Swamy and Sri Anjaneya Swamy Temples, Mydukur, Kadapa District – Orders issued in G.O.Ms.No.1322 Rev. (Endts.IV) Department dated: 17.9.1982 selling the land in S.No.1943/B measuring Ac.16.94 cents in favour of Sri Balasiva Universal Peace Foundation, Raja Kanda Swamy Garden, Hyderabad for educational institution by private negotiation u/s 74 (1)(c) of the Act 17 of 1966 – Show Cause Notice for cancellation of G.O.Ms.No.1322 Revenue (Endts.II/1) Department, dated: 17.9.1982 – issued.

- Ref: (1) G.O.Ms.No.1322 Rev. (Endts.IV) Department dated: 17.9.1982
(2) Government Memo.No.31922 / Endts.II(1) / 2004-1 Rev.(Endts.II/1) Dept., dated: 14.9.2004
(3) From the Commissioner, Endowments Department, Hyderabad Letter in Rc.No.M2/42008/2004, dated: 3.11.2004

-:0:-

1. Whereas in the reference first cited, orders were issued granting permission under proviso to Section 74 (1) (c) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 17 of 1966 (A.P. Act 17 of 1966) to sell away the land measuring an extent of Ac.16.94 cents in S.No.1943/B belonging to Sri Madhava Swamy and Sri Anjaneya Swamy Temples, Mydukur, Kadapa District in favour of Sri Balasiva Universal Peace Foundation, Raja Kanda Swamy Garden, Hyderabad for construction of building for the Balasiva Universal Peace Foundation Degree College at Mydukur per Rs.1,50,000 (Rupees one lakh and fifty thousands only) otherwise then by public auction.

104

~~104~~

2. And whereas, on a reference from the Government second cited, the Commissioner, Endowments Department, got the matter enquired into by the Additional Commissioner (Endowments) Sri A.B. Krishna Reddy and forwarded the report of the Additional Commissioner dated: 1.11.2004 with his reference third cited for taking further action in the matter.

3. And whereas, the Additional Commissioner (Endowments) in his report dated: 1.11.2004 has reported that Sri Balasiva Yogindra Maharaj requesting to allot land for establishment of Degree College and construction of buildings thereto. Government have issued orders in G.O.Ms.No.1322 Rev. (Endts.IV) Department dated: 17.9.1982 permitting alienation of land measuring Ac.16.94 cents in S.No.1943/B belonging to the above temples, as per the provisions u/s 74 (1) (c) of the repealed Endowments Act, 1966 (A.P. Act 17 of 1966) for construction of buildings for the Balasiva Universal Peace Foundation Degree College at Mydukur on a consideration of Rs.1,50,000/- otherwise than by public auction. In pursuance of the Government orders, instructions were issued by the Assistant Commissioner (Endowments) Kadapa to collect the same amount of Rs.1,50,000/- from Sri Balasiva Yogindra Maharaj of Balasiva Yogi Universal Peace Foundation, Hyderabad and arrange for registration of the land belonging to the above temple as per the G.O. Accordingly, the then Executive Officer executed sale deed in favour of Sri Balasiva Yogi Universal Peace Foundation, Sultan Bazar, Hyderabad under document No.6575/1982 of Sub-Registrar Office, Kadapa by collecting the sale consideration on 4.10.1982 and invested the same in FDRs. But Sri Balasiva Gogindra Maharaj acted quite detrimental to the terms and conditions stipulated at the time of sale of the land in question and thus violated the conditions imposed for the very purpose of alienation of land and sold away some portion of the land to other persons quite against the aims and objects of the Trust. The total extent in possession of the Trust, at

54 105
present, is only Ac.2.00 cents in which college building was constructed.

The remaining extent has been sold away by him as follows:

Sl.No.	Name of the person	Extent	Document No.
1	Sri Thota Kailasa Giridhar	Ac.6.00 (Out of Ac.16.94 cts)	1870/1985
2	Sri Thota Venkata Lakshmamma	Ac.6.50 (Out of Ac.16.94 cts)	7960 24.10.1985
3	Sri Thota Mohan Shankaru	Ac.4.00 (Out of Ac.16.94 cts)	8293 31.10.1985

4. And whereas, he further reported that the during the year 1992, Sri Balasiva Yogindra Maharaj executed a sale deed in favour of Sri Balasiva Yogindra Maharaj Decree College, Mydukur for giving only 0.94 cents and 1.96 cents out of Ac.16.94 cents already sold under Document No.1479/92 dated 25.6.1992 and 1482, dated: 27.6.1992. At present the college is established and is running in Ac.2.00 cts., only. At present the college is taking admissions into B.Sc., B.A., B.Com., and intermediate (CEC & HEC). The college consists of 16 rooms at present for running classes, Library, Lab for chemistry and physics and staff rooms etc. The Additional Commissioner has further reported that he has visited inspected the rooms and buildings of the college. It cannot be said as a college and the rooms and buildings of and they do not speak of college. He has also reported that with regard to the present market rate of the land, the enquiry reveals that the market rate for the first six acres of land located by the said of main road leading to Nellore, the rate is stated to be Rs.15.00 lakhs per acre and as per Sub-Registrar it is Rs.37,000/- per acre. Remaining land of Ac.8.94 cts., is Rs.8.00 lakhs per acre while as per Sub-registrar the value is Rs.37,000/- per acre. He came to the conclusion that in view of the above facts, it is to be informed that the said Sri Balasiva Yogindra Maharaj has not fulfilled the objects to which he got the land. Hence, the

106.

~~106~~

ADC requested the Government to cancel the said G.O. and permit the EO to resume the land as per the provisions of the Act by instituting proceedings besides filing criminal complaint against Sri Balasiva Yogindra Maharaj for misleading the Government and its functionaries and for causing heavy loss to the temple.

5. And whereas, the Additional Commissioner requested the Government to cancel the said G.O. and permit the EO to resume the land as per the provisions of the Act by instituting proceedings besides filing criminal complaint against Sri Balasiva Yogindra Maharaj for misleading the Government and its functionaries and for causing heavy loss to the temple.

6. Now, therefore, Government after careful consideration of the matter have provisionally decided to cancel the orders issued in the reference first cited and to resume the land in question under the provisions of the Andhra Pradesh Charitable & Hindu Religious Institutions and Endowments Act, 1987.

7. In the circumstances stated above, Dr. Balasiva Yogindra Maharaj, President Universal Peace Foundation, Raja Kandaswamy Bagh, Sultan Bazar, Hyderabad is requested to show cause as to why the orders issued in G.O.Ms.No.1322 Revenue (Endts.IV) Department, dated 17.9.1982 should be considered for taking further action in the matter. He is requested to submit his written explanation in the matter within (15) days from the date of receipt of this Show Cause Notice and if no reply is received within the stipulated time, it will be construed that he has no explanation to offer and further action will be taken by the Government based on the material available with them

N. VENKATA SUBBAIAH
DEPUTY SECRETARY TO GOVERNMENT

107

~~108~~

To
Sri Balasiva Yogendra Maharaj,
Sri Balasiva Universal Peace Foundation,
Raja Kandaswamy Garden, Sultan Bazar, Hyderabad
(Through Commissioner of Endowments Department)
The Commissioner of Endowments Department, Hyderabad
(with a request to get the notice served on the party and send the duplicate
copy of the notice with dated acknowledgement)

/ Forwarded :: By Order /

Sd/-
SECTION OFFICER

Today, i.e. on 2nd March 2006 at 3.30 PM I came down to the
Commissioner Chamber and receiving this Memo as per the directions of
Commissioner Endowments Department. As per his phone message I
came here and receiving today.

Sd/- Dr. Bala Siva Yogindra Maharaj
2/3/2006

**MEMORANDUM OF W.P.MISCELLANEOUS PETITION
(UNDER SECTION 151 OF CIVIL PROCEDURE CODE)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI**

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

Between :-

**Bala Siva Yogendra Maharaj.,
S/o. Late T. Rosaiah., Aged about 73 years.,
President, M/s. Balasiva Universal Peace Foundation.,
H.No. 4-3-197, Raja Kandaswamy Lane.,
Sultan bazar., Hyderabad. ... Petitioner.**

A n d

- 1. The State of Andhra Pradesh.,
Rep. by its Principal Secretary.,
Revenue (Endowments) Departments.,
Secretariat Buildings., Velagapudi.,
Guntur District**
- 2. The Commissioner,
Endowments Department, Gollapudi.,
Vijayawada., Krishna District.**
- 3. The Deputy Commissioner.,
Endowments Department., Kurnool.**
- 4. The Tahsildar,
Mydukur Mandal., Mydukur,
YSR Kadapa District. .. Respondents.**

**For the reasons stated in the affidavit filed in support of
the writ petition, the petitioner herein prayed that this Hon'ble Court
may be pleased to stay all further proceedings in pursuance of the
report submitted by the 2nd respondent herein in Lr.No.
B2/289/2024.Adm dated 01-09-2024 to 2nd respondent herein pending**

6

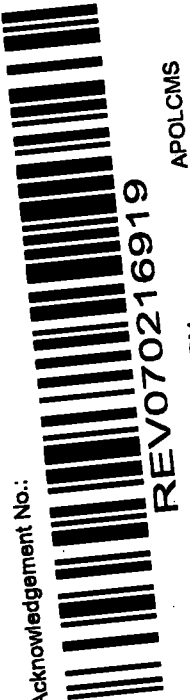
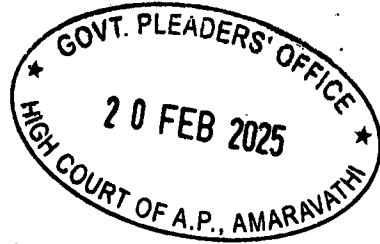
SP

KADAPA DISTRICT
HIGH COURT OF A.P. AT
AMARAVATHI

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

Endly
Rev/Gy

DIRECTION PETITION



Thursday, Feb 20, 2025 14:21:40 PM

M/S. V.V.N.NARASIMHAM (4801) &
KODI MANIDEEP (25085)
Advocates

Counsel for the Petitioner

9440966628