



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

[3331]

**WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 2656/2023

Between:

1.VARADA VENKATA RAMA SUBRAHMANYESWARA RAO,, SON OF
VENKATA RAMALINGESWARA RAO, HINDU, AGED 78 YEARS,
PROPERTIES, R/O. D.NO.8-194, P.S.R. STREET, CHALLAPALLI,
KRISHNA DISTRICT

...PETITIONER

AND

- 1.THE STATE OF AP, REP BY PRINCIPAL SECRETARY,
PANCHAYATIRAJ AND RURAL DEVELOPMENT DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT. .
- 2.DISTRICT COLLECTOR, KRISHNA DISTRICT, AT CHILAKALAPUDI,
MACHILIPATNAM.
- 3.THE TAHASILDAR, , CHALLAPALLI MANDAL, CHALLAPALLI,
KRISHNA DISTRICT.
- 4.THE DISTRICT PANCHAYAT OFFICER CUM MANDAL
DEVELOPMENT OFFICER, , CHALLAPALLI MANDAL, KRISHNA
DISTRICT.
- 5.GRAM PANCHAYAT, REPRESENTED BY IT'S SECRETARY,
CHALLAPALLI, KRISHNA DIST

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly, one in the nature of writ of Mandamus, Declaring the action of the 3rd respondent in allotting an extent of Ac. 0.03 cents in RS No. 134-15-2, Potti Sriramulu Road, Challapalli Village, Krishna District which is the part of the property covered under Doc

No. 1312/1975 dated 14.2.1975 of Challapalli Sub Registry for construction of Anganwadi Center by deviating the condition made in the said document basing on the resolution No. 216 dated 4.8.2020 of 4th respondent is illegal, arbitrary and violaitve of principles of natural justice and consequently direct the respondents to drop the proposal of constructing Anganwadi Center in the said extent of Ac. 0.03 cents in RS No. 134-15-2, Kallepalli Road, Challapalli Village, Krishna District which is the part of the property covered under Doc No. 1312/1975 dated 14.2.1975 of Challapalli Sub Registry in the interest of justice and to pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 2 to 5 not to make any constructions in an extent of Ac. 0.03 cents in RS No. 134-15-2, Potti Sriramulu Road, Challapalli Village, Krishna District which is the part of the property covered under Doc No. 1312/1975 dated 14.2.1975 of Challapalli Sub Registry for construction of Anganwadi Center in the interest of justice and to pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dated.03.02.2023 in W.P.No.2656 of 2023 and dismiss the writ petition and pass

Counsel for the Petitioner:

- 1.YALLABANDI RAMATIRTHA

Counsel for the Respondent(S):

- 1.GP FOR REVENUE
- 2.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja Parishads,Mandal Praja Parishads and Gra
- 3.GP FOR PANCHAYAT RAJ RURAL DEV
- 4.N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)

The Court made the following order:

Heard Sri Y.Ramatirtha, learned counsel for the petitioner, Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development for the respondents 1 and 2, Ms. Usha, learned Assistant Government Pleader for Revenue for the 3rd respondent and Sri Chaitanya, learned counsel representing Sri Y.Koteswara Rao, learned Standing counsel for the respondents 4 and 5.

2. The above writ petition was filed to declare the action of the 3rd respondent in allotting an extent of Ac.0.03 cents in RS.No.134-15-2, Pottisriramulu Road, Challapalli Village, Krishna District, which is part of the property covered under Doc.No.1312/1975 dated 14.02.1975, gifted for the construction of Anganwadi Centre, as illegal and arbitrary.

3. Learned counsel for the petitioner would submit that the petitioner and his parents gifted 1556 Sq.yards in Sy.No.134-15-2 for the construction of a building to run "Varada Venkata Ramalingeswara Rao and Sowbhagyamma Upper Primary School". The deed was registered *vide* Document No.1312/1975. The deed also contains a specific clause that the land shall not be used for any other purpose. Be that as it may, an extent of Ac.0.03 cents out of the gifted property was allotted for the construction of an Anganwadi Centre by a resolution dated 04.08.2020. He would contend that the said allotment is contrary to the conditions stipulated in the registered gift deed and thus, requested the Court to pass appropriate orders restraining the construction, in pursuance of the said resolution.

4. On the other hand, learned counsels for the respondents would contend that if any condition, as alleged by the petitioner, in the gift deed is violated, the petitioner had to approach the competent Civil Court seeking redressal of the grievance. The gifted property is vested with the Gram Panchayat. The Gram Panchayat passed a resolution to construct an Anganwadi Centre for public purposes.

5. Whether the gift deed is conditional or not needs to be adjudicated by leading evidence before a Civil Court having jurisdiction. Since the property is vested with the Gram Panchayat, the Gram Panchayat, unless the donor's intention is otherwise, can utilise the property for public purposes. In the considered opinion of this Court, the prayer in the writ petition cannot be granted.

6. At this juncture, learned counsel for the petitioner seeks liberty to approach the Civil Court.

7. Given the facts and circumstances of the case, the writ petition is disposed of, giving liberty to the petitioner to approach the Civil Court seeking redressal of the grievance. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 11.02.2026
SNI

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 2656 OF 2023

Date: 11.02.2026
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