



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

**[3331]**

TUESDAY, THE THIRTY FIRST DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION NO: 5738/2020**

**Between:**

- 1.P.RUDRAIAH NAIDU, S/O LATE VENKATAMUNI NAIDU, AGED 63 YEARS, R/O D.NO.83, PENUMURU, CHITTOOR DISTRICT.
- 2.L.NARENDRA KUMAR, S/O L.GURAPPA NAIDU, AGED 43 YEARS, R/O D.NO22-35, BALIJA STREET, PENUMURU, CHITTOOR DISTRICT.
- 3.V.SRINIVAS CHOWDARY, S/O V.KRISHNAMA NAIDU, AGED 56 YEARS, R/O D.NO.4-46, SANDRA STREET, PENUMURU, CHITTOOR DISTRICT.
- 4.K.RADHAMMA, W/O K.VENKATADRI, AGED 54 YEARS, R/O D.NO.11-8, GUTTAKINDAPALLI, PENUMURU, CHITTOOR DISTRICT.
- 5.K.NETHAJI, S/O K.GURUSWAMY, AGED 32 YEARS, R/O D.NO.9-16, B.C.COLONY, PENUMURU, CHITTOOR DISTRICT.
- 6.P.SUBRAMANYAM, QV LATE MUNIRATNAM, AGED 53 YEARS, D.NO.6-79, VINAYAKA NAGAR, PENUMURU, CHITTOOR DISTRICT.

**...PETITIONER(S)**

**AND**

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, PANCHAYATRAJ AND RURAL DEVELOPMENT(EANDR) DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, CHITTOOR DISTRICT.
3. THE DISTRICT PANCHAYAT OFFICER, CHITTOOR DISTRICT.
4. THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT, TADEPALLI, GUNTUR DISTRICT.
5. PENUMURU GRAM PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY/ SPECIAL OFFICER, PENUMURU MANDAL, CHITTOOR DISTRICT.
6. CHARVAGANIPALLE GRAM PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY/ SPECIAL OFFICER, PENUMURU MANDAL, CHITTOOR DISTRICT

**...RESPONDENT(S):**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ more particularly one in the nature of a mandamus declaring G.O.Ms.No.241 Panchayat Raj and Rural Development (EandR) Department dated 17.01.2020 issued by the 1st respondent as illegal, arbitrary, violative of the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and the rules made thereunder, violative of the A.P.Gram Panchayats (Declaration of villages) Rules, 2007 and unconstitutional and consequentially set aside the same by directing the 1st respondent not to merge Penumuru and Charvaganipalle Gram Panchayats of Chittoor District

**IA NO: 1 OF 2020**

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 suspend G.O.Ms.No.241 Panchayat Raj and Rural Development (E&R) Department dated 17.01.2020, pending disposal of the above writ petition

**IA NO: 1 OF 2021**

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 13-03-2020 in Wp. 5738/2020 and dismiss the writ petition

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

1. MEKA RAHUL CHOWDARY

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

1. GP FOR PANCHAYAT RAJ RURAL DEV (AP)

2. Mattegunta.Sudhir, Standing Counsel For Z.P.Ps, M.P.Ps, Gram Panchayats

**The Court made the following:**

**ORDER**

The petitioners, six in number, filed the above writ petition, assailing the G.O.Ms.No.241, Panchayat Raj and Rural Development (E&R) Department, dated 17.01.2020, merging Charvaganipalle Gram Panchayat into Penumuru Gram Panchayat.

2. a) Averments in the affidavit, in brief, are that the petitioners are the residents of Penumuru Gram Panchayat. The said Penumuru Gram Panchayat was divided into 3 revenue divisions i.e. Penumuru, Ramakrishnapuram and Chipparapalli. Penumuru village has a population of 6,000 people and has more than 3,200 voters. Charvaganipalle village is located at a distance of 3.5 KMs from Penumuru village. The villagers of Charvaganipalle and Penumuru were not aware of the merging proposal till the G.O. impugned was issued.

b) The MPDO, Penumuru and the District Panchayat Officer, Chittoor, submitted reports *vide* Roc.No.B/36/2019 dated 10.01.2020 and Roc.No.2672/2019/B1(Pts), dated 11.01.2020, respectively, that both Gram Panchayats resolved to accept merger. Acting upon the said reports, the 4<sup>th</sup> respondent forwarded the proposals to the Government and thereafter the 1<sup>st</sup> respondent issued the G.O. impugned. The petitioners submitted representations to the respondents 2 and 4 on 03.12.2019 and 21.12.2019, opposed to the proposal. The respondents also failed to adhere to the procedure contemplated under G.O.Ms.No.542, Panchayat Raj & Rural Development (Parts IV), dated 03.12.2007. The Special Officer, Penumuru Gram Panchayat, submitted a report regarding the conduct of Gram Sabha; however, no Gram Sabha was conducted properly.

3. a) A counter affidavit was filed on behalf of the 3<sup>rd</sup> respondent. It was contended, *inter alia*, that the Gram Panchayat of Charvaganipalle in its resolution No.26, dated 16.11.2019, agreed for the merger of Charvaganipalle Gram Panchayat into Penumuru Gram Panchayat. The MPDO, Penumuru Mandal submitted proposals *vide* Lr.Roc.No.B/36/2019, dated 16.11.2019. The District Collector, Chittoor, submitted proposals to the Commissioner, Panchayat Raj and Rural Development with a request to consider the proposals *vide* Lr.Roc.No.2445/2019-B1(Pts), dated 24.12.2019. After considering the proposals, the 4<sup>th</sup> respondent-Commissioner issued show cause notices to both the Gram Panchayats calling for objections to the proposed merger *vide* No.1040030/CPR&RD/D1/2019-18, dated 08.01.2020.

b) Grama Sabhas were conducted in both the Gram Panchayats. In the Gram Sabha held on 10.01.2020 at Penumuru Gram Panchayat,

the villagers had agreed to the proposed merger of Charvaganipalle into Penumuru Gram Panchayat. In the Grama Sabha held on 10.01.2020 at Charvaganipalle, the villagers had agreed to the proposed merger of Charvaganipalle Gram Panchayat into Penumuru Gram Panchayat. The MPDO, Penumuru Mandal, had submitted both the Gram Sabha resolutions with a request to take further action.

c) Considering the Gram Sabha resolutions and proposals of the District Collector, the 1<sup>st</sup> respondent issued G.O.Ms.No.241, dated 17.01.2020, de-notifying Charvaganipalle Gram Panchayat and merging the same into Penumuru Gram Panchayat. The procedure mandated in the G.O.Ms.No.542 dated 03.12.2007 was adhered to.

4. No rejoinder was filed by the petitioner to the counter-affidavit filed by the 3<sup>rd</sup> respondent.

5. Heard Sri Meka Rahul Chowdary, learned counsel for the petitioners and Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj & Rural Development for the respondents 1 to 4 and Ms.Kavitha, learned counsel representing Sri M.Sudhir, learned standing counsel for the respondents 5 and 6.

6. Learned counsel for the petitioners and the learned Assistant Government Pleader for Panchayat Raj & Rural Development, reiterated the contentions as per their averments in the writ affidavit and counter-affidavits.

7. The main contention of the learned counsel for the petitioners is that the procedure mandated under G.O.Ms.No.542, dated 03.12.2007, was not adhered to. The Grama Sabha was not conducted properly.

8. Learned Assistant Government Pleader would submit that the procedure mandated under G.O.Ms.No.542 dated 03.12.2007 was scrupulously followed. The resolutions of the Grama Sabhas were annexed to the counter affidavit. However, no reply was filed by the petitioners.

9. Now, the point for consideration is:

**Whether the G.O.Ms.No.241 Panchayat Raj and Rural Development (E&R) Department, dated 17.01.2020, is legally sustainable or not?**

10. The Government issued G.O.Ms. No.542 dated 03.12.2007, the Andhra Pradesh Gram Panchayats (Declaration of Villages) Rules, 2007 (for short "**the Rules**"). The procedure was set out in the said G.O. regarding the merger or bifurcation of a Gram Panchayat. Rule 8 of the Rules, which is relevant, is extracted below:

"8. Subject to the provisions contained in the Act and these rules, where a Gram Panchayat passes an unanimous resolution that a local area shall not be excluded from or included in a village, the Government, if satisfied that such resolution is not vitiated by any irregularity, impropriety or illegality shall not, except for special reasons to be recorded in writing, exclude from or include in that village any such area."

11. In the case at hand, as seen from the pleadings, the Gram Panchayat of Charvaganipalle passed a resolution No.26, dated 16.11.2019, agreeing to the merger of the Gram Panchayat into Penumuru Gram Panchayat. The MPDO, Penumuru, submitted

proposals, and thereafter the District Collector forwarded the proposals to the 4<sup>th</sup> respondent-Commissioner *vide* proceedings dated 24.12.2019.

12. It is pertinent to mention here that the 4<sup>th</sup> respondent issued show cause notices dated 08.01.2020 to both the Gram Panchayat, calling for objections regarding the merger proposals. Grama Sabhas were conducted in Penumuru and Charvaganipalle Gram Panchayats on 10.01.2020, and both the villagers had agreed to the proposal of the merger of Charvaganipalle Gram Panchayat into Penumuru Gram Panchayat. Considering the Grama Sabha resolutions and proposals of the District Collector, the Government issued G.O.Ms.No.241 dated 27.01.2020, de-notifying Charvaganipalle Gram Panchayat.

13. No interim order was granted. Six years have elapsed since the date of de-notifying Charvaganipalle Gram Panchayat, merging the same into Penumuru Gram Panchayat.

14. In the counter affidavit, it was specifically contended that the distance between Charvaganipalle and the hamlets of Charvaganipalle to Penumuru village is 1 KM to 1.5 KM. Though it was contended that the Grama Sabha was not properly conducted, the petitioner failed to demonstrate that aspect by placing any relevant material. In fact, as observed supra, the copies of the Grama Sabha resolutions were annexed to the counter affidavit filed by the 3<sup>rd</sup> respondent. However, no rejoinder was filed by the petitioner. The material available on record indicates that the respondents adhered to the procedure mandated under G.O.Ms.No.542 dated 03.12.2007.

15. Given the discussion *supra*, this Court is of the considered opinion that there are no merits in the writ petition and hence, the same is liable to be dismissed.

16. Accordingly, the Writ Petition is Dismissed. No order as to costs.

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

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**JUSTICE SUBBA REDDY SATTI**

PVD