



**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: 6847/2026

Between:

Rambabu Pencheti and Others

...PETITIONER(S)

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. BOKKA SATYANARAYANA KAMLA

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:

WRIT PETITION No.6847 of 2026

Rule *Nisi*. Call for Records.

List the matter after eight weeks.

SUBBA REDDY SATTI, J

I.A.No.1 of 2026

Heard Sri Bokka Satyanarayana, learned counsel for the petitioners, Sri Kochiri Ramarao, learned Government Pleader for Panchayat Raj & Rural Development for the respondents 1, 2 & 6; Sri Y.Koteswara Rao, learned standing counsel for the respondents 7 to 9 and Sri N.Siva Reddy, learned counsel for the respondents 11 and 12.

2. The petitioners 1 to 4, elected ward members of the Gram Panchayat along with other villagers, filed the above writ petition, to declare the high handed action on the part of the respondents 2 to 9 with the support of respondents 11 & 12 in constructing the Agnikula Kshatriya Flood Rehabilitation Center by cutting the 48 coconut trees in an extent of Ac.0.30 cents, out of Ac.0.44.6 cents in Sy.Nos.75/6P, 75/7, 75/8, 75/9, 75/11 earmarked for park and other community purposes in an approved layout in PLP No.7/2016 Kattupalem Grama Panchayat, in pursuance of the illegal Resolution No.36 dated 23.12.2024, without conducting the Grama Sabha as illegal and arbitrary.

3. Along with the writ petition, the petitioners filed I.A.No.1 of 2026 to direct the respondents 1 to 10 to stop the illegal construction of Agnikula Kshatriya Flood Rehabilitation Center in Sy.Nos.75/6P, 75/7, 75/8, 75/9, 75/11 earmarked for park and other community purposes in the approved layout in PLP No.7/2016 Kattupalem Grama Panchayat.

4. Sri Bokka Satyanarayana, learned counsel for the petitioners, would contend that the Gram Panchayat has no jurisdiction to allot the land reserved for park and other community purposes for construction of rehabilitation center to the other department. He would further contend that the reserved site shall be used for the benefit of the same Gram

Panchayat. 48 coconut trees were fallen without permission. He would submit that the petitioners 1 to 4 attended the meeting on 23.12.2024 and opposed the proposal and later, the petitioners and others made complaints to the 3rd respondent-District Collector, however, the same were not considered by the 3rd respondent.

5. Sri Kochiri Ramarao, learned Government Pleader, on the other hand, would contend that the writ petition itself is not maintainable, since the petitioners' right, if any, under Part-III of the Constitution of India, has not been violated. He would further contend that the petitioners 1 to 4 attended the meeting on 23.12.2024 and accepted the proposal, and thereafter, a resolution was passed by the Gram Panchayat allotting the land for public purposes. Permission was obtained from the authority concerned to cut the coconut trees. He would further contend that the Gram Panchayat has not alienated Ac.0.33 cents to any other department. For cancellation of resolution, the Government alone has jurisdiction under Section 246 of the A.P. Panchayat Raj Act, 1994, and the District Collector has no authority.

6. Sri Y.Koteswara Rao, learned standing counsel for the respondents 7 to 9, would contend that on receipt of requisition from the CEO of Smart Andhra Pradesh Foundation Planning Department to construct a rehabilitation centre for the benefit of the public, the resolution was passed. Later, after obtaining permissions from the concerned authorities, the coconut trees were cut. He would also submit that the 11th respondent is the lessee, and the Gram Panchayat passed another resolution dated 18.11.2025 to cut the coconut trees.

7. Sri N.Siva Reddy, learned counsel for the respondents 11 and 12 would submit that Kattupalem Gram Panchayat is abutting the Godavari

River. Kattupalem villages and Gram Panchayat, and other villages are prone to floods, and in the event of floods, all the villagers are being shifted to other places. The villagers would return to the village after the water receded. The Government intends to construct the rehabilitation centre in Ac.0.30 cents, out of Ac.0.44.6 cents, and it is in the interests of the public. He would also point out that the recitals in the gift deed manifest that the place is earmarked for a park and the construction of a structure for public purposes.

8. Now, the points for consideration are:

- 1) Whether the petitioners made out a *prima facie* case for the grant of an interim order?**
- 2) Whether the balance of convenience is in favour of the petitioners?**
- 3) If the construction proceeds, will the petitioners suffer any irreparable loss?**

9. As seen from the recitals of Ex.P3 gift deed, one K.Ramarao along with his sons and others, gifted 7051.22 square yards towards the road and 2158.64 square yards towards the reserved site, totalling 9210.36 square yards. In pursuance of TLP No.7/2016R in Sy.Nos.75/6P, 75/7, 75/8, 75/9, 75/11 of Kattupalem Gram Panchayat, Yelamanchili Mandal, the layout was approved by the Regional Deputy Director of Town and Country Planning *vide* C.No.2016/2015/R, Ref. No.NIL, dated 25.01.2016. Nine different schedules were gifted as per the Gift Deed. The land in Item Nos 1 to 8 was earmarked for Roads and the land in Item No.9 was earmarked for park and other constructions.

10. The contention of the learned counsel for the petitioners that whether the Gram Panchayat had no jurisdiction to allot the land to some other department will be considered after a comprehensive counter affidavit is filed.

11. The other main contention of learned counsel for the petitioners is that the site reserved for the park should not be used for other purposes, and if any constructions are undertaken, they shall be for the benefit of the residents of the Gram Panchayat.

12. The judgment relied upon by the learned counsel for the petitioners in **Veterinary Colony Samshema & Abhivrudhi Sangam Vs. State of A.P.**¹, rendered by this Court, in the considered opinion of this Court, may not apply to the present facts at hand. In the said case, the open site measuring 335 square yards was transferred to one D.Sitaramayya, S/o Pakeerayya. The deed of exchange of properties was executed between Vijayawada Municipal Corporation, represented by its Commissioner as the First Party and the father of the 4th respondent therein and 4 others as the Second Party. This Court by placing reliance on the judgments in **Sri Balaji Park Residents Welfare Association Vs. Vice-Chairman, Visakhapatnam Urban Development Authority**²; **Bangalore Medical Trust Vs. B.S. Muddappa and others**³; **Pt. Chet Ram Vashist Vs. Municipal Corporation of Delhi**⁴ and other judgments held that the Corporation, being a trustee, had no jurisdiction to enter into such a transaction and hence, the alienation made therein was set aside. The other judgment rendered by this Court, relied on by the learned counsel

¹ (2024) 1 HCC (AP) 32 : 2024 SCC OnLine AP 356

² 2001 (6) ALD 325

³ (1994) 4 SCC 54

⁴ (1995) 1 SCC 47

for the petitioners in W.P.No.24396 of 2020 dated 18.11.2022, is also to a similar effect.

13. As per Rule 13 (2) of the Andhra Pradesh Land Development (Layout and Sub-Division) Rules, 2017 issued *vide* G.O.Ms.No.275, dated 18.07.2017 (for short "**the Rules**"), the area reserved for Public Open Space shall vests with the Local Authority and such area shall be used only for Parks, Playgrounds, Gardens, Nursery, Recreational Open space etc. and shall not be utilized for any purpose other than the purpose for which it is transferred.

14. In the case at hand, the purpose for which the land was earmarked as per Ex.P3 gift deed is for park and other constructions. The Gram Panchayat passed a resolution No.36, dated 23.12.2024, to construct the rehabilitation centre, in pursuance of the recommendations made by the CEO of Smart Andhra Pradesh Foundation Planning Department. Of course, the purpose of the construction, *prima facie*, is public.

15. The question as to whether the petitioners participated and accepted the resolution or not will be decided after filing the counter-affidavit. It is too early for this Court to record any finding in this regard. It is also an undisputed fact that more than 10 villages abutting the Godavari river viz. Burugupalli, Doddipatla, Atchirajupalem, Narnimerka, Vaddilanka, Gangadapalem, Kattupalem, Lakshmipalem, Y.V.Lanka and Badava are prone to floods whenever there is excess water in the Godavari River. Every year, a flood-like situation would occur in that area due to excess water. This Court would take a judicial note of the said fact, and inundation of houses due to floods and resultant loss.

16. The resolution passed by the Gram Panchayat for the construction of a rehabilitation centre is in the interests of the public, and the public interest always outweighs the private interest. As per Section 246 of the A.P. Panchayat Raj Act, 1994, once a resolution is passed by the Gram Panchayat, the Government has the power to annul the said resolution, but not the District Collector.

17. It is a settled principle of law that when there is a conflict between public interest and private interest, the former must prevail. The Hon'ble Apex Court in **Ramlila Maidan Incident vs. Home Secretary, Union of India**⁵ held that where public order and larger public interest are involved, individual rights are required to yield to the extent necessary. It was observed that the State is duty bound to maintain public order in the larger public interest and private rights must give way when an urgent and pressing public exigency so demands. In the case on hand, the construction of a rehabilitation centre intended to mitigate flood-related hardships of several villages constitutes a clear instance of larger public interest, which outweighs the individual objections raised by the petitioners.

18. The Division Bench of the composite High Court of Andhra Pradesh in **Eguvakammakandriga Gram Panchayat, S.R.Puram Mandal, Chittoor Vs. District Collector, Chittoor and others**⁶, concluded that the Collector is not competent to cancel or suspend the resolution passed by the Gram Panchayat, and the Collector can only send a report to the Government, and the Government alone is competent to suspend or cancel the resolution.

⁵ (2012) 5 SCC 1

⁶ 2004 (2) ALD 299 (DB)

19. That apart, the petitioners failed to aver the loss, if any, due to the construction of the rehabilitation centre. The petitioners, as per the averments in the writ affidavit, are not the residents of the said layout. The lung space reserved is not used for any other purposes.

20. In the case at hand, the petitioners filed different representations Ex.P4 onwards, concerning Resolution No.36, dated 23.12.2024, to the District Collector and to the Panchayat Secretary. No representation was addressed to the Government. In fact, as seen from the Panchayat Extension Officer, Yelamanchili Mandal, to the District Collector dated 25.03.2025, the resolution was passed by following the procedure.

21. The other contention of learned counsel for the petitioner that coconut trees are fallen without getting permission, this Court is not satisfied with the said submission, given the Resolution No.33, dated 18.11.2025, filed before this Court and the permission dated 28.11.2025 accorded by the Designated Officer, the Andhra Pradesh Water, Land and Trees Rules, 2004.

22. As noted *supra*, the construction of a rehabilitation centre in Ac.0.30 cents, out of Ac.0.44.6 cents, is for the larger benefit, that too after the resolution was passed by the Gram Panchayat on 23.12.2024. The construction being in the interest of the public, the petitioners failed to satisfy a *prima facie* case for the grant of an interim order. Even if the construction proceeds, it will not cause any irreparable loss to the petitioners. The balance of convenience is also not in favour of the petitioners.

23. Given the discussion *supra*, this Court does not find any merit in this petition to grant an interim order.

24. Accordingly, I.A.No.1 of 2026 is Dismissed.

SUBBA REDDY SATTI, J

PVD