

HIGH COURT OF ANDHRA PRADESH**MAIN CASE No.: W.P.No. 9669 of 2022****PROCEEDING SHEET**

Sl. No	DATE	ORDER	
	12.04.2022	<u>DEV,J</u> <u>W.P.No.9669 of 2022</u> Notice before admission. Learned Government Pleader for Education takes notice for Respondent Nos. 1 and 2. Though one Counsel Sri M. Jagadeeswari, filed Caveat on behalf of Respondent No.3, there is representation on behalf of Sri S. Karimulla, learned Counsel, that he is going to file Vakalat on behalf of Respondent No.3 and sought time to file Counter Affidavit. Post on 26.04.2022 for filing Counter Affidavit by the Respondents. <u>DEV,J</u> <u>I.A. No.1 of 2022</u> Learned counsel for the petitioners submits that in the year 1948, the Antevedipalem Firka Development Trust, Malkipuram, was formed to cater the education needs of the economically poor and socially disadvantaged people of the region by the family of Mopparthi, Rudraraju and Jana. In the year, 1948, a school was constructed on 01.07.1948 basing on the land	

	donated by Sri Alluru Chandra Raju and his sons of Kathimanda Village. The main building was constructed by the Mangena family of Lakkavaram. The petitioners herein are the members of Mangena family. Learned counsel further submits that at that point of time, Ac.2.00 cents of land was donated by way of an Endowment by Sri Mangena Venkata Narasimha Rao and Ac.1.20 cents of land was donated by way of an Endowment by Sri Jana Naga Mallaiah. The said A.F.D.T. High School was established in the year 1948 and it became Aided Institution. After that, AFDT Junior College was established in the year 1970 and it also became Aided Institute in 1977. MVNJS & RVR College of Arts and Science was established in 1972 and it also became Aided Institute in 1978. All the three institutions are located in an extent of Ac.7.68 cents of land with separate buildings for each Institution constructed in the land donated by the persons mentioned above. Learned counsel further submits that the Antevedipalem Firka Development Trust, Malkipuram, Razole Taluk, East Godavari District, was registered under the Societies Registration Act, XXI of 1860 vide Society No.113 of 1975. The petitioners are the trustees of the Antevedipalem Firka Development Trust, Malkipuram. As per the Bye-laws and the provisions of the Societies Act, any important decision pertaining to the Respondent No.3	
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		institution has to be taken by the General Body of the Trust. The grievance of the petitioners at present is that the Correspondent/Management of the Respondent No.3 institution took a decision to handover the Institution along with its assets and the existing staff to the Respondent Nos. 1 and 2. Considering the request of the Respondent No.3 institution, the Respondent No.1 issued G.O.Ms.No.12 Higher Education (CE) Department, dated 29.03.2022, accepting the request of the Management of Respondent No.3 institution to take over the Institution and issued instructions to the concerned to take further action. Aggrieved by the said G.O.Ms.No.12, dated 29.03.2022, the present Writ Petition has been filed. Learned counsel brought to the notice of this Court that the petitioners and their families are donors of the land to an extent of Ac.7.68 cents of land, wherein the Respondent No.3 institutions are established. Besides that, all the petitioners are the trustees of the Antevedipalem Firka Development Trust, Malkipuram, which established the educational institutions from the year 1948. Without calling for the General Body Meeting by the Management of the Respondent No.3 institution to take such a decision to handover the properties of the Respondent No.3 Institution to the Respondent No.1,	
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	with a malafied intention passed the Resolution and requested the Government, which is against to the interest of the students as well as the Public at large of that area and sought interim direction of the impugned Government Order. Learned Government Pleader for Education appearing for Respondent Nos. 1 and 2, on instructions, submits that pursuant to the impugned Government Order, though the teaching and non-teaching staff are taken over by the respondent Nos. 1 and 2, there is no such proposal as on date to handover the assets of the Respondent No.3 Institution. Having considered the submissions of the respective counsel and upon perusal of the material available on record, in the <i>prima facie</i> opinion of this Court, it is appropriate to protect the properties of the Respondent No.3-institution till disposal of the present Writ Petition. Accordingly, the respondents are directed to maintain <i>status quo</i> in all respects with regard to the properties to an extent of Ac.7.68 cents of land and the buildings constructed therein, pending further order. DEV,J Note: Issue C.C. today B/o eha	
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