

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWELFTH DAY OF APRIL,
TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE BATTU DEVANAND



IA No. 1 OF 2022
IN
WP NO: 9669 OF 2022

Between:

1. Mangena Venkata Narasimha Rao, S/o.LateVenugopalam, Aged about. 69 years, Occ. Agriculture, R/o. D.No. 4-94, Lakkavaram (V), Malikipuram Mandal, East Godavari District-533254. Andhra Pradesh.
2. Mangena Satya Gurunadh, S/o.LateSeshagiriRao, Aged about. 64 years, Occ. Agriculture, R/o. D.No. 4-155, Lakkavaram (V), Malikipuram Mandal, East Godavari District-533254. Andhra Pradesh.
3. Mangena NagabhushanamRao, S/o.LateVenugopalaRao, Aged about 66 years, Occ: Agriculture, R/o. D.No.4-210, Lakkavaram (V), Malikipuram Mandal, East Godavari District-533254. Andhra Pradesh.
4. Mangena Muralikrishna, S/o.Late Venkataswami Naidu, Aged about 54 years, Occ: Agriculture, R/o. D.No.4-184, Lakkavaram (V), Malikipuram Mandal, East Godavari District-533254. Andhra Pradesh.
5. Mangena Srirama Surya Kumar, S/o.Late Venkata Naga Venu GopalaRao, Aged about 45 years, Occ: Agriculture, R/o. D.No.4-166, Lakkavaram (V), MalikipuramMandal, East Godavari District-533254. Andhra Pradesh.
6. Mangena Simhadri, S/o.Late Nagabhushanam, Aged about 59 years, Advocate, R/o. D.No.4-173, Lakkavaram (V), Malikipuram Mandal, East Godavari District-533254. Andhra Pradesh.
7. Smt.Mupparthi Alivelu Ganga Triveni, W/o.Trinadh Chinavenkata Naidu, Aged about. 47 years, Occ: Sarpanch, Moripodu Village, R/o. D.No. 2-132/1, Moripodu, Sakinetipalli Mandal, East Godavari District-533250. Andhra Pradesh.
8. Mupparthi Venkata Reddy Naidu, S/o. Late Mahalakshmi Prasad, Aged about. 64 years, Occ: Retd. Head Master, AFTD High School, R/o. D.No.2-120, Moripodu, SakinetipalliMandal, East Godavari District-533250, Andhra Pradesh.
9. Mupparthi Mareyya, S/o. Late Nagabhushanam, Aged about. 75 years, Occ: Retd. Head Master, AFTD High School, R/o. D.No.2-113, Moripodu, Sakinetipalli Mandal, East Godavari District-533250. Andhra Pradesh.
10. Yenumula Padma Raju, S/o. Krishna MohanaRao, Aged about. 59 years, Occ. Agriculture, R/o. D.No. 2-168, Moripodu, Sakinetipalli Mandal, East Godavari District-533250. Andhra Pradesh.

...Petitioners

(Petitioner in WP 9669 OF 2022
on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Higher Education Department, Secretariat Buildings, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Commissioner of College Education, Govt. of Andhra Pradesh
Vijayawada, Andhra Pradesh
3. Sri. M.V.N., J.S. and R.V.R. Aided Degree College, Malkipuram, East Godavari District, Rep. by its Secretary and Correspondent

...Respondents

(Respondents in-do-)

Petition under Section 151 CPC is filed 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 G.O.Ms.No.12, Higher Education (CE) Department, dt.29.03.2022, pending disposal of WP No.9669 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Polisetty Radha Krishna, Advocate for the Petitioners and GP for Education for the Respondent Nos.1 & 2 and Sri M.Jadageeswari, Standing Counsel for the Respondent No.3, the Court made the following.

ORDER:

“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 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, 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 prima facie 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 *status quo* 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."

Sd/- M.Suryanadha Reddy
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Higher Education Department, Secretariat Buildings, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Commissioner of College Education, Govt. of Andhra Pradesh
Vijayawada, Andhra Pradesh
3. The Secretary and Correspondent, Sri. M.V.N., J.S. and R.V.R. Aided Degree College, Malkipuram, East Godavari District. (Addresses 1 to 3 by RPAD- along with a copy of petition and affidavit)
4. One CC to Sri. Polisetty Radha Krishna, Advocate [OPUC]
5. One CC to Sri. Meesala Jagadeeswari, Advocate [OPUC]
6. Two CCs to GP for Education, High Court of AP [OUT]
7. One spare copy

MM

HIGH COURT

DEVJ

DATED:12/04/2022

ORDER

IA No. 1 OF 2022
IN
WP NO: 9669 OF 2022

STATUS QUO

