



**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: 10276/2023

Between:

1.GODDUMARRI VENKATESWARLU, S/O OBULESHU, HINDU, AGED 50 YEARS, SEC CHAIRMAN, R/O DOOR NO 1-121, KONUTHURU VILLAGE-515672, DHARMAVARAM MANDAL, SRI SATYA SAI DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

- 1.THE STATE OF AP, REP BY ITS. PRINCIPAL SECRETARY, DEPARTMENT OF PANCHAYAT RAJ AND RURAL DEVELOPMENT, ANDHRA PRADESH SECRETARIAT, GUNTUR DISTRICT, ANDHRA PRADESH.
- 2.THE DISTRICT COLLECTOR CUM DISTRICT MAGISTRATE, PUTAPARTHI, SRI SATYA SAI DISTRICT, ANDHRA PRADESH-515134.
- 3.THE STATE OF ANDHRA PRADESH, REP BY ITS. PRINCIPAL SECRETARY, DEPARTMENT OF PANCHAYAT RAJ AND RURAL DEVELOPMENT, ANDHRA PRADESH SECRETARIAT, GUNTUR DISTRICT, ANDHRA PRADESH.
- 4.THE DISTRICT COLLECTOR CUM DISTRICT MAGISTRATE, PUTAPARTHI, SRI SATYA SAI DISTRICT, ANDHRA PRADESH-515134.
- 5.THE DISTRICT EDUCATIONAL OFFICER, SRI SATYA SAI DISTRICT, PUTAPARTHI, ANDHRA PRADESH -515134.

6.THE MANDAL EDUCATIONAL OFFICER, DHARMAVARAM MANDAL,
SRI SATYA SAI DISTRICT, ANDHRA PRADESH.

7.THE GRAMA PANCHAYAT KUNUTHURU VILLAGE 515672, REP BY
ITS SECRETARY, DHARMAVARAM MANDAL, SRI SATYA SAI
DISTRICT, ANDHRA PRADESH.

...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 , particularly one in the nature of writ of Mandamus, declaring the action of the respondents, in making efforts to construct government buildings, such as Sachivalayam 86 Rythubhorosa Kendram over School premises, in an extent of about 7.00 cents of land situated in Kunuthuru village, Dharmavaram Mandal, Sri Satya Sai District by demolishing the compound wall as illegal arbitrary and violative of Art 14,15,19,21-A of the Constitution of India and also violative of fundamental right of citizens guaranteed under the Constitution of India consequently direct the authorities not to made any construction over the subject land as the same is against the judgment of this Hon'ble court in WP NO 9883 of 2020 dated 25.02.2022 and 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 not to take up any further-construction in the school play-ground premises existing in an extent of about 7.00 cents of land situated in Kunuthurd village, Dharmavaram Mandal, Sri Satya Sai District and pass such

IA NO: 1 OF 2024

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 orders in W.P.No 10276/23 dt.24.4.23 & dismiss the WP Issue an order or orders as deem fit proper in the circumstances of the case

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

receive the Reply copy on record by allowing the leave petition in W.P. No. 10276 of 2023, and to pass

Counsel for the Petitioner:

1. JADA SRAVAN KUMAR

Counsel for the Respondent(S):

1. GP FOR EDUCATION

2. GP FOR REVENUE

3. GP FOR PANCHAYAT RAJ RURAL DEV

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

The Court made the following:

::ORDER::

Heard Ms. Deepthi, learned counsel representing Sri Jada Sravan Kumar, 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, Sri Adinarayana, learned Assistant Government Pleader for Education for the 3rd respondent and Sri Hruthik, learned counsel representing Sri M.Sudhir, learned Standing counsel for the respondents 4 and 5.

2. The above writ petition was filed to declare the action of the respondents in attempting to construct a Sachivalayam and Rythubhorosa Kendram in the school premises, in an extent of Ac.7.00 cents in Sy.No.272, situated in Kunuthuru Village, Dharmavaram Mandal, Sri Satya Sai District, by demolishing the compound wall, as illegal and arbitrary.

3. In the affidavit, it was pleaded that the petitioner is the SEP Chairman of Mandal Parishad Upper Primary School. The 5th respondent intends to construct a Sachivalayam in a part of the school premises by constructing a compound wall, occupying the playground. The petitioner made an application

dated 14.11.2022 under Section 6(1) of the Right to Information Act, 2005 to the District Collector-cum-District Magistrate, the 2nd respondent herein. The 2nd respondent, in turn, forwarded the same to the 3rd respondent to furnish the information to the petitioner. The 3rd respondent, in turn, forwarded the same to the 4th respondent. However, the respondents 2 to 4 failed to furnish the information. The total strength of the school is about five hundred students or more. The land is being utilised for the purpose of a playground. The authorities intend to construct the structures contrary to the procedure contemplated under G.O.Ms.No.188 dated 21.07.2011. The villagers also made a representation dated 15.06.2020 (Ex.P4) to the 2nd respondent.

4. An interim order was granted on 24.04.2023, and the same is extended till further orders on 27.04.2023.

5. A counter-affidavit was filed on behalf of the respondents 5 and 6. In the counter-affidavit, it was contended, *inter alia*, that the total extent in Sy.No.272 is Ac.18.24 and the same is classified as Grama Kantam. The Head Master of MPUP School, Kunuthur, issued a certificate dated 27.04.2023, stating that there is no specific record available relating to the school land details. The entire land in Sy.No.272 is recorded as Grama Kantam, and the extent of land allotted to the school is not available. The contention that the school building and playground are situated in an extent of Ac.7.00 cents is specifically denied. The Rythubharosa Kendram and Sachivalayam buildings were constructed outside the school compound wall. There is no hindrance for the school children, and the students are five in number. The construction of the building outside the premises of the school compound wall was undertaken by the Engineering Department for the benefit of the public. The extent of the school is 56 X 44 meters, and eventually prayed to dismiss the writ petition.

6. Learned counsel for the petitioner and learned counsel for the respondents reiterated the contents as per the averments made in the affidavit and the counter affidavit.

7. Thus, as seen from the material, there is no dispute regarding the existence of the Mandal Parishad Upper Primary School in Sy.No.272 of Kunuthuru Village, Dharmavaram Mandal, Sri Satya Sai District. However, there is a serious dispute regarding the extent of land earmarked to the school. The contention of the petitioner that the school is located in an extent of Ac.7.00 cents was specifically denied by the 6th respondent. In fact, in the counter-affidavit filed by the 6th respondent, it was specifically contended that the Head Master of MPUP has issued a certificate dated 27.04.2023, stating that there is no specific record available relating to the school land details. The said certificate was indeed annexed to the counter-affidavit. It is a settled position of law that a serious disputed question of fact, normally, will not be adjudicated while exercising the jurisdiction under Art 226 of the Constitution of India. This case at hand, as narrated supra, sinks in that category.

8. The entire extent of Ac.18.24 cents in Sy.No.272 is described as Grama Kantam. Unless the petitioner demonstrates the fact that the school was established in Ac.7.00 cents by placing the relevant documents, this Court, while exercising the jurisdiction under Section 226 of the Constitution of India, will not appreciate the said fact.

9. As seen from the averments in the counter-affidavit, the extent of the school and ground is 56 X 44 meters. The rough sketch filed along with the counter-affidavit at page-9 manifests the school, playground and the proposed constructions. Of course, the school site cannot be used for the construction of any structure. The education of the children, in a proper atmosphere, without being disturbed, is of primary importance. This is not only a part of the fundamental rights of the children to have such education, but it is also a question of ensuring proper education for the future citizens of this Country.

10. However, in the absence of any satisfactory material before this Court that the school is situated in an extent of Ac.7.00 cents, this Court may not appreciate the contents of the petitioner that the constructions are being made

in the school premises. In fact, as narrated supra, the constructions are being undertaken beyond the compound wall.

11. Given the facts and circumstances of the case, this Court does not find any merit. Accordingly, the writ petition is dismissed. The interim order granted earlier shall stand vacated. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Dated: 11.02.2026
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146

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.10276 OF 2023

Dated: 11.02.2026
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