

[ 3328 ]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
(SPECIAL ORIGINAL JURISDICTION)**

**FRIDAY, THE TWENTY EIGHTH DAY OF JUNE**

**TWO THOUSAND AND TWENTY FOUR**

**:PRESENT:**

**THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD**

**WRIT PETITION NO: 13377 OF 2024**

**Between:**

Namana Umamaheswara Rao, S/o Padmanabha Rao 1-254, Wyra Road,  
Bhimavaram, Jaggaihpeta Mandalam, N.T.R. District, Andhra Pradesh.

**... Petitioner**

**AND**

1. The state of Andhra Pradesh, Rep. by its Prl.Secretary, Education Department, Secretariat, Amaravathi, Andhra Pradesh.
2. District Collector, O/o District Collector N.T.R. District, Andhra Pradesh
3. Mandal Revenue Officer, O/o M.R.O Vatsavai, Vatsavai Mandalam, N.T.R.District. Andhra Pradesh.
4. Village Development Officer, Bhimavaram Panchayat, Bhimavaram, N.T.R. District, Andhra Pradesh.
5. Papabhathini Prabhu das, S/o Phillip (late) New hope school, Bhimavaram, N.T.R. District, Andhra Pradesh.

**... Respondents**

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 5<sup>th</sup> respondent is illegal i.e. conversion of the land as a burial ground, besides being violation of article 14,17,309 of the constitution of India consequently direct the respondents to consider the representation of the petitioner and pass orders restraining the respondents 1 to 5 to granting any permission to start a burial

place/symmetry/crematorium etc., just adjacent to the school of the petitioner in the interest of justice and equity.

**IA NO: 1 OF 2024**

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings including erect of the burial ground by the respondents 1 to 5 till the final disposal of writ petition, Pending disposal of WP 13377 of 2024, 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 J.S.C. Sekhar, Counsel appearing on behalf of SRI SATYA SAI LEELA MANCHAM Advocate for the Petitioner, GP FOR SCHOOL EDUCATION for respondent no.1, Ms.T.Radha Rani, AGP FOR REVENUE for respondent nos.2 & 3, and the Court made the following.

**ORDER**

**“Heard Sri J.S.C. Sekhar, Learned Counsel appearing on behalf of Sri M. Satya Sai Leel, Learned Counsel for the Writ Petitioner and Ms. T. Radha Rani, Learned Assistant Government Pleader for Revenue.**

**2. Learned Counsel for the Writ Petitioner would submit that some land adjacent to the school by name Sri Thkshasila Public School is owned by Respondent No.5. It is submitted that the said school is being run by the Writ Petitioner. The Writ Petitioner has noticed some leveling activity in the neighboring site which belongs to Respondent No.5 and that on enquiry, the Writ Petitioner has come to know that the Respondent No.5 is preparing the subject land for the purpose of burial ground/grave yard. He would submit that the said school has been**



established in the year 2008 and the strength of the school is about 500 students. Counsel for the Writ Petitioner would submit that utilization of the adjacent land for burial ground/grave yard would ensue serious adverse implications on the school.

3. Having regard to the facts and circumstances as noted above, this Court is of the opinion that the balance of convenience is *prima facie* in favour of the Writ Petitioner. Hence, there shall be a direction to the Respondents herein to maintain *Statusquo* as obtaining today.

4. Writ Petitioner is directed to place on record the latest photographs of the said site along with a Newspaper indicating the date on which the said photographs have been taken.

5. Respondent Nos.2 to 4 are directed to ensure that the *Status quo* be maintained for the time-being. They shall also file Counter Affidavit on or before 26.07.2024, stating whether any permission has been given to Respondent No.5 to utilize such land for the purpose of burial ground/grave yard.

6. List the matter on 26.07.2024."

SD/- P.VINOD KUMAR  
ASSISTANT REGISTRAR  
*[Signature]*  
SECTION OFFICER

//TRUE COPY//

To,

1. Namana Umamaheswara Rao, S/o Padmanabha Rao 1-254, Wyra Road, Bhimavaram, Jaggaipet Mandalam, N.T.R. District, Andhra Pradesh.
2. The Prl.Secretary, Education Department, State Of Andhra Pradesh, Secretariat, Amaravathi, Andhra Pradesh.

3. District Collector, O/o District Collector N.T.R. District, Andhra Pradesh
4. Mandal Revenue Officer, O/o M.R.O Vatsavai, Vatsavai Mandalam, N.T.R.District. Andhra Pradesh.
5. Village Development Officer, Bhimavaram Panchayat, Bhimavaram, N.T.R. District, Andhra Pradesh.
6. Papabhathini Prabhu das, S/o Phillip (late) New hope school, Bhimavaram, N.T.R. District, Andhra Pradesh. (2 to 6 by RPAD)
7. One CC to SRI. SATYA SAILEELA MANCHAM Advocate [OPUC]
8. Two CCs to GP FOR SCHOOL EDUCATION ,High Court Of Andhra Pradesh. [OUT]
9. Two CCs to Ms.T.Radha Rani, GP FOR REVENUE, High Court of Andhra Pradesh.[OUT]
10. **One spare copy**

ksr



**HIGH COURT**

**GRKP, J**

**DATED:28/06/2024**

**List the matter on 26.07.2024**

**ORDER**

**WP.No.13377 of 2024**

**DIRECTION**

