

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.16405 of 2023

ORDER:

1. The present Writ Petition is filed to declare the inaction of the respondents not taking prompt action for demolition and construction of new school buildings vide G.O.Ms.No.8, dated 19.02.2022 more particularly by the 4th and 6th Respondents as illegal and arbitrary and to grant such other consequential relief/s.

2. Learned counsel for the petitioner submits that pursuant to the G.O.Ms.No.27 School Education (Prog.II) Department, dated 30.03.2021, new school building was sanctioned in respect of the 3rd Respondent/MPP School, Nakkapalem Village, Yelamanchili Mandal, West Godavai District. While so, the respondents are taking steps for construction of new school building in the land which was donated by one of the villager at free of cost, other than the old school premises.

3. He further submits that the existing school building is in dilapidated condition by removing the same, new school building should be constructed at the same premises. Since there exists 10 cents of vacant government land adjacent to the existing school building. But instead the respondents are proposing for construction of new school building at the land donated by one of the villager, contrary to the resolution of the parents committee.

4. Learned counsel for the petitioner further submits that the parents committee submitted a complaint in “Spandana Programme” against the 4th Respondent herein, who is proposing for construction of new building in the land which was donated by one of the villager other than the existing school premises, which is against the wish of the parents committee.

5. Pursuant to the complaint in “Spandana Programme” the 2nd Respondent-District Education Officer, West Godavari District issued proceedings dated 11.11.2022, wherein it is stated that the construction of new school building should be as per the decision of the parents committee at the old school premises by demolishing the existing dilapidated building.

6. He further submits that the parents committee members also submitted a representation to the 5th Respondent-District Collector, West Godavari District, dated 17.04.2023, for construction of new building at the old school premises and prayed this Court to direct the 5th Respondent-District Collector, West Godavari to take a decision on the representation made by the petitioner/parents committee members.

7. On the other hand learned Government Pleader for School Education submits that the new school building construction can come up at the new premises since the land was donated at free of cost by one of the villager. He submits that the existing school premise is below 50 square yards whereas the new proposed donated site is 129.71 square yards. Therefore, the new site is better for the students to have some lung space and to have

other amenities, as such the proposed construction may not be interfered. However, learned Government Pleader expressed no objection for direction to disposal of the representation of the petitioner/parents committee members.

8. In view of the submissions made by both the counsel, without going into the merits of the case, this Court is of the considered view to dispose of the present writ petition directing the 5th Respondent-District Collector, West Godavari, to consider the representation of the parents committee/petitioner herein, with reference to the order passed by the 2nd Respondent dated 11.11.2022, in accordance with law, after providing an opportunity of hearing to the parents committee as well as the donor of the new school premises within a period of four weeks from the date of receipt of the copy of this order.

9. In the result, with the above directions the writ petition is disposed of. No costs.

Consequently, miscellaneous applications pending, if any, shall stand closed.

VENKATESWARLU NIMMAGADDA, J

Date:31.07.2023
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