

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION Nos.34441 of 2022 and 1031 of 2023

COMMON ORDER:

As both these writ petitions relate to the same issues of fact and essentially the same parties, they are being disposed of, by way of this common order.

2. The petitioners in W.P.No.34441 of 2022 are residents of Gobburu Village, Peddaraveedu Mandal, Prakasam District. The case of the Petitioners is:

3. As the existing Mandal Praja Parishad School had become congested, a request was made to the residents of the village to give land for the purpose of construction of Zilla Parishad High School. Responding to this request, the petitioners had come forward and given their agricultural lands in Sy.Nos.233/3 and 233/4 of the said village, by way of registered deeds of settlement, in favour of 3rd respondent, and the same which had been registered as Document Nos.4851 of 2022 dated 18.07.2022 and 4822 of 2022 dated 19.07.2022 on the file of the Joint Sub Registrar, Markapuram. The total extent donated by the petitioners was Ac.1.68 cents. As no steps were being taken for construction

of the Zilla Parishad High School, the petitioners gave representations to respondents 6 and 7, for commencement of the said construction. The petitioners having subsequently come to know that the respondents had decided to construct the High School building in the existing MPP School, have approached this Court seeking a Writ of Mandamus declaring the action of the respondents in constructing Zilla Parishad High School in the existing MPP Elementary School instead of the land donated by the petitioners and consequently directing the respondents to construct the ZPP High School in the land donated by the petitioners. A further direction is sought for the respondents to consider the representation of the petitioners dated 06.08.2022.

4. The petitioners in W.P.No.1031 of 2023 who are also residents of Gobburu Village have filed a writ petition requiring similar reliefs. The case of the petitioners in this writ petition is that the respondents by showing the land donated by the petitioners had obtained grants from the Government and are using the said grants to build the Zilla Parishad High School in the existing MPP High School while declaring that the land donated by the petitioners would be

used as play ground only. The petitioners also contend that the Parent-Children Committee which is arrayed as respondent No.5, contrary to its earlier resolution dated 23.03.2022 had passed a fresh resolution stating that the land donated by the petitioners would be used only for the purpose of a play ground instead of housing the school building.

5. The Chief Executive Officer of the Zilla Parishad High School has filed a counter affidavit in W.P.No.1031 of 2023 stating that the donors had voluntarily donated land for constructions of school building and for a play ground and not on account of any request made by the respondents for such donation. He would rely upon the contents of the settlement deeds which stated that the donated land could be used for construction of school building or a play ground. It is further contended that the donated land is far away from the existing school and it was decided to construct the new class rooms in the existing Mandal Praja Parishad School as it would be more convenient for the students.

6. The Head Master of the School has filed a counter affidavit stating that the Government had sanctioned 10

additional class rooms in the existing school and these class rooms are proposed to be constructed in the existing school while the land donated by the petitioners would be used for school purposes only and would not be used for any other purpose. The Secretary of the Parent-Teachers Committee of the Zilla Parishad School has also filed a counter affidavit in which the *locus standi* of the petitioners is challenged and the facts pleaded by the petitioners are disputed and denied. The said counter affidavit also states that it was originally proposed to construct the school building in a Government poramboke site situated in Sy.Nos.606-A1, 606-B1 by way of three resolutions in February, March and October, 2022. A specific statement is made that his signature on the resolution dated 23.03.2022 was taken by taking advantage of the fact that he is an illiterate person and that no Parent-Teacher Committee was held on 23.03.2022 itself.

4. As can be seen from the above, the disputes are around the claim of the petitioners that they had been asked to donate land for the purposes of construction of a new school building and that after obtaining such land from the petitioners, the respondents have resiled from their promise

and are taking up new construction in the existing school and the same is barred by the principle of promissory estoppel.

5. The respondents on the other hand claim that no such request was made and the land was donated voluntarily by the petitioners stipulating that the land is to be used for the construction of the school building or to be used as play ground for the school children.

6. The petitioners rely upon a resolution dated 23.03.2022 to contend that a request was made for donation of land. This contention is denied by the Secretary of the Parent-Teacher Committee claiming that a resolution was initially passed on 22.02.2022 and subsequently another resolution was passed on 07.10.2022 reiterating that new constructions were to be made in the existing school itself. He specifically contends that no meeting took place on 23.03.2022

7. The question of whether such resolutions were passed properly and whether the respondents resiled from their earlier stand are disputed questions of fact which

cannot be determined by this Court in proceedings under Article 226 of the Constitution of India.

8. However, the Chairman of the Parent-Teacher Committee states that the writ petitioners in their representation to the District Collector dated 05.12.2022 had requested that the land be used for construction of the new building, failing which, the land could be returned to the petitioners.

9. In the circumstances, this Court deems it appropriate to dispose of these two Writ Petitions, leaving it open to the petitioners to seek return of the land donated by them before the appropriate forum and any such application made by them shall be considered.

10. Accordingly, these two Writ Petitions are disposed of. There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J.

02.05.2023

RJS

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