Date on which Order/Judgment was reserved	:	29.07.2026
Date on which Order/Judgment was pronounced	:	25.08.2026
Date on which Order/Judgment was uploaded on the website of the High Court	:	31.08.2026

APHC010028542022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

TUESDAY, THE 25th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 1822/2022

Between:

1. MYLA VENKATESWARA RAO, S/O NARASIMHULU, AGE ABOUT 72 YEARS, OCC. CULTIVATION, RIO H.NO.4-67/2, GATTUMEEDA, CHIRTTHAPARRU VILLAGE, PALAKOLLU. MANDAL, WEST GODAVARI DISTRICT.
2. KOTA VENKATA GANESH BABU, S/O NARASIMHA RAO, AGE ABOUT 41 YEARS, OCC. BUSINESS, R/O H.NO.4- 64/1, GATTUMEEDA, CHINTHAPARRU VILLAGE, PALAKOLLU MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER(S)

A N D

1. THE STATE OF ANDHRA PRADESH, , REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI.
2. THE MANDAL DEVELOPMENT OFFICER, , PALAKOLLU MANDAL, PALAKOLLU, WETT GODAVARI DISTRICT.
3. THE CHINTHAPARRU GRAM PANCHAYAT, CHINTHAPARRU, PALAKOLLU MANDAL, WEST GODAVARI DISTRICT, REP. BY ITS SECRETARY.
4. THE TAHSILDAR, , PALAKOLLU MANDAL, PALAKOLLU, WEST GODAVARI DISTRICT.
5. SMT BHAVANA SARA, W/O RAJA BABU @ BABJI, AGE ABOUT 46 YEARS, OCC.HOUSE WIFE, R/O H.NO.4-73, GATTUMEEDA, CHINTHAPARRU VILLAGE, PALAKOLLU MANDAL, WEST GODAVARI_ DISTRICT

...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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not protecting the Radio room constructed in Grama Kantam land in Sy.No.144/1, 11th ward, Chinthaparru Village Grama Kantam, Palakollu Mandal, West Godavari District, which is adjacent to the statue of Dr.B. R. Ambedkar as illegal, arbitrary and contrary to the Panchayatraj Act and consequently direct the respondents not to dismantle/demolish the Radio room constructed in Grama Kantam land in Sy.No.144/111th ward, Chinthaparru Village Greiai Kantam, Palakollu Mandal, West Godavari District

IA NO: 1 OF 2022

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 the Appellant /Petitioners (Respondent) has/have presented a petition to the Court Praying that Under Section 151 of C.P.C. (AFFIDAVIT AND PETITION ENCLOSED) and that the same will be heard by the Court on the day 2022. Notice and Interim Stay has/have been granted by order Court dated the of 2022 the affidavit of has been filed in support thereof Dated at Arnaravati this day 2022

IA NO: 2 OF 2022

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 issued in 1A.No.1 of 2022 in W.P.No.1822 of 2022 dated 25.012022 and to dismiss the writ petition by believing the sincere submissions made supra before the Hon'ble Court,

Counsel for the Petitioner(S):

1. POLISETTY RADHA KRISHNA

Counsel for the Respondent(S):

1. KOTI REDDY IDAMAKANTI (SC FOR ZPP MPP AND GRAM PAN)
2. GP FOR REVENUE (AP)
3. I KOTI REDDY S C FOR CENTRAL GOVT
4. K B RAMANNA DORA
5. GP FOR PANCHAYAT RAJ RURAL DEV (AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO.1822 OF 2022

O R D E R

The present Writ Petition is filed, seeking the following relief:

> *"…to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not protecting the Radio Room constructed in Grama Kantam land in Sy.No.144/1, 11th Ward, Chinthaparru Village Grama Kantam, Palakollu Mandal, West Godavari District, which is adjacent to the statue of Dr.B.R.Ambedkar, as illegal, arbitrary and contrary to the Panchayat Raj Act, and consequently, direct the respondents not to dismantle/demolish the Radio Room constructed in Grama Kantam land in Sy.No.144/1, 11th Ward, Chinthaparru Village Grama Kantam, Palakollu Mandal, West Godavari District and pass such other order or orders …"*

2. Case of the petitioners is that, they are residents of Chinthaparru Village; that 30 years back, a Radio Room was constructed on the main road in a Grama Kantam land in Sy.No.144/1, and adjacent to the same, about 25 years back, statue of Dr. B.R.Ambedkar was erected by the local people; that in olden days, every village was consisting of two or three Radio Rooms, where radios were installed for listening to, news by the general public, but, in the present situation, since the Radio Room is not in use, the same was used by the Members of the Ambedkar Yuvajana Sangham for conducting meetings and for storage purpose.

(b) It is further stated that respondent No.5 and others were having an adjacent land, and they seem to have made a representation to 3rd respondent to remove the Radio Room and to grab the same at the behest of 3rd respondent; that in connection with the same, the petitioners and 29 others along with 11th Ward Member made a representation dated 20.12.2021 to 3rd respondent not to demolish/dismantle the Radio Room; that a General Body Meeting was convened by 3rd respondent, and one of the subjects pertains to a complaint that was made by five persons to Spandana, wherein, a resolution was passed to the extent that Radio Room was in dilapidated condition, and the same was passed in collusion with 3rd respondent. The respondent No.3, basing on the note of the Secretary, proposes to pass a resolution for dismantle the Radio Room without giving any time, and questioning the same, the present Writ Petition was filed by the petitioners.

3. This Court, at the time of admission of the subject Writ Petition, *vide* Order dated 25.01.2022, directed the respondent Nos.1 to 4 to maintain *status quo* in all respects.

4. Respondent No.3 filed counter-affidavit stating that the residents *viz.* Batani Joshibai and some others made a complaint on 13.12.2021 to remove the dilapidated conditioned and abandoned

Radio Room; that at the same time, the residents of 11th Ward also made a representation to the Gram Panchayat not to demolish the Radio Room; that on 24.01.2022, the Gram Panchayat Committee meeting was held and discussed about the above two representations that, total 12 members attended the said meeting, including the Sarpanch, and out of the 12 members, 11 members supported to remove the Radio Room. Accordingly, the resolution was passed for removal of the Radio Room. In view of the *interim* order passed by this Court, the Radio Room could not be removed.

(b) It is further stated by 3rd respondent that the Gram Panchayat intended to widen the road by removing the Radio Room for the convenience of the villagers, as the Radio Room was in dilapidated condition and posing danger to the public. The said room is not being used for any purpose. Hence, it is prayed to vacate the *interim* Order dated 25.01.2022 and dismiss the Writ Petition.

5. Respondent No.4 filed counter-affidavit, reiterating the submissions made by 3rd respondent, and further added that the Radio Room is being established for the public for listening to, the news and others delivered from the radio; that subsequently, after expanding various types of media, the general public discontinued the usage of Radio Room, and they got accustomed to know the

news as well as other things through the media available at their home. It is further stated that as the Radio Room is not being used by anybody, it has become idle and as it was constructed 30 years ago, it has come to the stage of dismantling, and trees and plants have also grown in the Radio Room. It is further emphasized that at present, the Radio Room is likely to collapse, and because of that, there is every possibility of human loss. Hence, it is prayed to vacate the *interim* Order dated 25.01.2022, and dismiss the Writ Petition.

6. Respondent No.5 filed counter-affidavit denying the contents of the Writ affidavit, *inter alia* contending that they are five sisters to her parents; that her mother succeeded an extent of Ac.0.35 cents in Sy.No.144/1 in Chinthaparru Village, Palakollu Mandal of West Godavari District from her father; that during the life time of her parents, they donated some extent of land on the eastern side for construction of Church as prayer hall, and her mother got executed a Registered Will Deed No.163/2012 dated 10.10.2012; that subsequent her mother's demise, they divided the said land and they are in possession of their respective share.

(b) It is further submitted that on the eastern side from South to North, there is a common way of 9 feet width to reach the main road, and on the road leading to the main road from their properties,

her father, during his life time, established a Radio Room, from where he used to listen to the news and other programmes along with other villagers; that adjacent to the said Radio Room, statue of Dr.B.R.Ambedkar was newly erected by some of the people of her village, belonging to SC community, by blocking their way towards the main road to grab her property along with Radio Room. The said Radio Room is unused for many years and it is in dilapidated stage, and became a noted spot for alcohol drinkers and for all anti-social activities. It is the obligation on the part of the Gram Panchayat to provide alternative approach way to her properties, since the way was closed as a big slab was constructed for the statue of Dr.B.R.Ambedkar. There is no illegality or irregularity in passing the resolution by 3rd respondent for dismantling the unused and dilapidated Radio Room. Hence, it is prayed to dismiss the Writ Petition.

7. Heard both sides and perused the entire material available on record.

8. Learned counsel for the petitioners would contend that the Radio Room is in existence for about 30 years in Gramakantam land, and merely because it is in dilapidated condition, the respondent authorities have no right to unilaterally dismantle a long-

standing public structure basing on a resolution passed by 3rd respondent when it is situated in public land, and the proposed act of demolition of Radio Room is arbitrary and without lawful authority. Learned counsel further contends that the Members of the Ambedkar Yuvajana Sangham have been using the premises for conducting meetings and storage, therefore, the assertion that the building remained completely unused, is incorrect. He further contends that the respondent authorities are acting upon the direction of respondent No.5, who own adjacent property and who is interest in removing the Radio Room for securing access to her property.

9. On the other hand, the learned Assistant Government Pleader Panchayat Raj and Rural Development Department, and the learned Standing Counsel for Gram Panchayat would contend that Writ Petition is misconceived and does not disclose any enforceable legal right, as the petitioners have no statutory right over the Radio Room. They further contend that as the Radio Room was constructed as long as 30 years ago and it is admittedly no longer being used for its original purpose, and its structure has become dilapidated, abandoned and unsafe, the Gram Panchayat has acted in the interest of public safety. They further contend that both rival representations were placed before the Gram Panchayat Committee,

and majority of the members opted for removal of the structure, thus, it cannot be said that the decision is unilateral or arbitrary. They further contend that the Radio Room is situated on the main road, and its removal would facilitate widening of the road and improve movement and convenience for the villagers.

10. Learned counsel for respondent No.5 would contend that the Radio Room and the adjoining Dr. B.R.Ambedkar statue have obstructed the access way leading to her property, and while the Panchayat's decision is based on public consideration, the obstruction to access is an additional circumstance indicating that the existing arrangement requires justification. He further contends that the Writ Petition is devoid of merit as the resolution of the Gram Panchayat was passed after due deliberation and for legitimate public purposes, namely removal of an unsafe and obsolete structure and improvement of road access.

11. The main grievance of the petitioners is that the Radio Room, which was admittedly established nearly three decades ago on Gramakantam land in Sy.No.144/1, is sought to be dismantled by the respondent authorities pursuant to the resolution of the Gram Panchayat dated 24.01.2022. According to the petitioners, the mere fact that the Radio Room is no longer being used for its original

purpose cannot, by itself, furnish a lawful basis for its demolition, particularly when the structure is situated on public land, and is allegedly being used by the Members of the Ambedkar Yuvajana Sangham for conducting meetings and storage. It is therefore necessary to examine as to whether the decision of the Gram Panchayat is vitiated by arbitrariness, extraneous considerations or want of authority.

12. A perusal of the material on record goes to show that it is not in dispute that the Radio Room was originally established for the benefit of the villagers to enable them to listen to news and other programmes. It is also not in dispute that, due to advancement of technology and widespread availability of television, mobile phones and other means of communication, the Radio Room is no longer being used for the purpose for which it was originally established. The passage of time and change in circumstances are relevant considerations for the local authority while deciding as to whether a public structure, which has ceased to serve its original purpose, ought to be retained.

13. The respondent authorities have specifically asserted that the Radio Room is in a dilapidated condition, and continuation of the same would cause danger to the general public. It is stated that

the structure is approximately 30 years old, that plants has grown within and around it, and that there is a possibility that the structure would collapse. Though the petitioners dispute the justification for its removal and assert that the premises are still being used by members of the Ambedkar Yuvajana Sangham, no material has been placed before this Court demonstrating that the structure is presently being maintained or that it is structurally safe for continued public use. In the matters concerning public safety, the Court cannot direct continuation of a structure merely on the ground of its long-standing existence, particularly when the competent local authority has recorded that the structure has become unsafe.

14. It is also relevant that the decision to remove the Radio Room was not shown to have been taken by the Sarpanch or any individual officer acting unilaterally. The material placed before this Court discloses that representations were received both in favour of retaining the Radio Room and seeking its removal. The matter was thereafter considered in the Gram Panchayat meeting held on 24.01.2022, in which 12 members, including the Sarpanch, participated, and 11 members supported removal of the structure. Thus, the decision was preceded by consideration of the competing claims placed before the Panchayat. In the absence of material

establishing mala fides, bias or a decision taken for an extraneous purpose, the mere allegation that the decision was influenced by respondent No.5 cannot, by itself, warrant interference under Article 226 of the Constitution of India.

15. The contention of respondent No.5 regarding obstruction to the access leading to her property also requires to be considered with caution. The dispute regarding her alleged right of access or the effect of the Ambedkar statue and the Radio Room upon such access is essentially a separate issue. The decision under challenge, however, is sought to be justified by the Gram Panchayat primarily on the grounds that the Radio Room has become obsolete, is in a dilapidated condition and poses a threat to public safety, apart from facilitating road widening and public convenience. Therefore, even assuming that respondent No.5 has an independent grievance concerning access to her property, such grievance cannot, by itself, determine the validity of the Panchayat's decision.

16. At the same time, the fact that the Radio Room is situated on Grama Kantam land does not, by itself, confer an indefeasible right upon the petitioners or any private association to insist upon its continued existence. The petitioners have not demonstrated any statutory or legally enforceable right requiring the

respondent authorities to preserve the structure in its existing form. The use of the premises by the Ambedkar Yuvajana Sangham for meetings or storage, even if accepted, cannot override the authority of the competent local body to take appropriate measures in respect of a public structure which it finds to be obsolete or unsafe, subject, of course, to compliance with law.

17. The contention that the Radio Room has existed for about 30 years also does not, in the circumstances of the case, furnish sufficient ground for judicial interference. Long-standing existence may be a relevant factual circumstance, but it cannot convert an obsolete or unsafe public structure into a permanent fixture immune from lawful action by the competent authority. Public authorities are required to balance the historical or existing use of a public structure with considerations of public safety, convenience and the present utility of the structure.

18. The scope of judicial review under Article 226 is also relevant in this context. This Court is not required to substitute its own assessment for that of the competent local authority merely because another view may also be possible. Interference would be justified if the decision is shown to be without jurisdiction, contrary to law, procedurally unfair, actuated by mala fides, or based on wholly

irrelevant considerations. In the present case, the material on record indicates that the Gram Panchayat considered the competing representations and arrived at a decision predominantly on the grounds of the condition and present utility of the Radio Room, public safety and public convenience.

19. It is, however, made clear that the power to remove the structure must necessarily be exercised in accordance with the applicable provisions of the Panchayat Raj Act, 1994 and other governing regulations. The present order does not adjudicate upon any independent title or right of access claimed by respondent No.5 over the surrounding property, nor does it confer upon any private individual a right over the Grama Kantam land. The respondents shall act only in accordance with law while implementing the resolution of the Gram Panchayat.

20. Having regard to the totality of the circumstances, particularly the reported dilapidated condition of the Radio Room, its diminished utility, the apprehended danger to public safety, the consideration of the competing representations by the Gram Panchayat, this Court finds no sufficient ground to interfere with the decision of the respondent authorities in exercise of its jurisdiction under Article 226 of the Constitution of India.

21. Accordingly, the Writ Petition is liable to be dismissed. Consequently, the interim order dated 25.01.2022, directing the respondent Nos.1 to 4 to maintain *status quo* in all respects, stands vacated. It is, however, made clear that any action pursuant to the resolution of the Gram Panchayat shall be undertaken strictly in accordance with the applicable statutory provisions and after following the procedure prescribed by law.

There shall be no order as to costs of the Writ Petition.

As a sequel, the miscellaneous applications, if any, pending in the Writ Petition shall stand closed.

JUSTICE K. SREENIVASA REDDY

25th August, 2026.

DNB