

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 22811 OF 2019

ORDER :

This writ petition is filed challenging the action of respondents 3 to 6 in conducting auction on 14.10.2019 and giving 8 shops constructed in the seventh respondent premises under the notification dated 10.10.2019 in proceedings No. 14/2019/GP/DBD and for a consequential direction to respondent No.6 to direct the lessees to pay all amounts i.e. the Security Deposits and monthly rentals to the school either in the school account or the account maintained by the school management committee vide Account No.4496101004243 maintained with Canara Bank, Siddipet Branch, for ensuring the income generated on the school properties shall be exclusively utilized for the development of the school and its students.

The case of the petitioner is that his mother late Mrs.Bijan Bee had orally gifted the property to an extent of 5500 Sq.Yards of non-agricultural land, Jagir No.285, situated at Daulatabad, and later acknowledged the same under a memorandum of gift deed dt.02.06.1954, to the Government, settling for the purpose of Development of Education and to establish a school with a condition that the land shall be used only for the purpose of educational services and if the same is used other than the intended purpose, the same has to be done with the consent of the family member and if there is any violation of the above, the gift shall stand cancelled. Subsequent to the gift deed, the Government had established a school with two rooms in the year

1960-61 and around in the year 2005, the school building is now expanded to ground plus first floor and upgraded to high school. In the year 2005 girls were separated because of inadequate school building and lack of washroom facility and security to the girl students. In the year 2013, the respondent No.4 sought permission of the then District Educational Officer, Medak District at Sanga Reddy seeking permission for constructing a commercial complex in the open place available in the school premises. In pursuance of the same none of the officials had obtained petitioner's consent for constructing the commercial complex as required under the memorandum of gift and in utter violation of the said gift deed, the officials of the Zilla Parishad had constructed the commercial complex with 19 shops in the open space belonging to the school. As on today, 8 shops have been fully completed and 11 shops are under construction. It is also stated that initially on 02.10.2019, the respondent No.6 had issued a notice to conduct auction for leasing 8 shops on rent to be conducted on 05.10.2019. Upon such notification, on 03.10.2019, two of petitioner's family members had submitted a representation to the respondents stating that the commercial complex in the school premises is constructed in violation of the terms of the gift deed, and since the same was already constructed, they have requested the 2nd respondent, being family members of the donor, to constitute a school management development committee and to see that the income generated on the shops shall have to be exclusively used for the school through the said committee and no other person/institution shall enrich at the expense of the students of the school. Aggrieved by the action of the

respondents in not considering the representation of the petitioner dt.15.10.2019, present writ petition is filed.

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Sri G.Narender Reddy, learned standing counsel for respondents 4 to 7.

Since the grievance of the petitioner is before the respondents, respondents are directed to consider the said representation, in accordance with law and take action within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

18.10.2019
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A.RAJASHEKER REDDY, J

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