APHC010439212025

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI [3311]**
**(Special Original Jurisdiction)**

Wednesday, the 11th day of November, 2026

**Present**

**The Honourable Ms. Justice B.S.Bhanumathi**

**W.P.Nos. 28896 & 30189 of 2026**

**W.P.No. 28896 of 2026**

**Between:**

Mahanthi Narayana Rao and another ...Petitioners

and

The State of Andhra Pradesh and others ...Respondents

**Counsel for the petitioner:**

1. M.Chiranjeevi

**Counsel for the respondents:**

1. G.P. for Panchayat Raj Rural Development
2. S.C. for Panchayat Raj
3. G.P. for Revenue

**The Court made the following:**

**O R D E R**

W.P.No. 28896 of 2026 is filed under Article 226 of the Constitution of India to declare the action of the respondent No. 1 in restoring the Thamada village, Laveru mandal, Srikakulam district G.O.Ms.No. 127, dated 18.09.2026 without bifurcating the Thamada village by forming the new village Patharouthpeta with Thamada village hamlets Rayinagaripeta, Patharouthupeta, Kotharouthupeta, Suryanarayanapuram without considering grama sabhas, only by considering the High Court orders in W.P.No. 4238 of 2020 without considering the orders in W.A.No. 312 of 2020 as illegal and consequently set aside the G.O.Ms.No. 127 PR&RD (E&R) Department, dated 18.9.2026 and consequently bifurcate the Thamada village into two villages / GP i.e. Thamada and Patharouthpeta.

W.P.No. 30189 of 2026 is filed under Article 226 of the Constitution of India to declare the action of the respondent No. 1 made in G.O.Ms.No. 127 Panchayat Raj and Rural Development (E&R) Department, dated 18.09.2026 for rescission of G.O.Ms.No. 338 dated 12.02.2020 as illegal and contrary to the orders of the High Court in W.A.No. 312 of 2020 and consequently set aside the same.

2. The common case of the petitioner in both the petitions, stated briefly, is as follows:

a) The Government issued G.O.Ms.No. 338 Panchayat Raj & Rural Development (E&R) Department, dated 12.02.2020 bifurcating Thamada Gram Panchayat, Laveru mandal, Srikakulam district from Patharouthpeta village as a new gram panchayat. The G.O. was challenged by Routhu Lakshman Rao, Mahanthi Suresh and Nadupuri Madhu by filing a writ petition W.P.No. 4238 of 2020 which was allowed on 10.07.2020 setting aside the impugned G.O.

b) Aggrieved by the same, the Government filed an appeal vide W.A.No. 312 of 2020 which was disposed of on 07.10.2020 setting aside the order of the Single Bench in writ petition, since no opportunity had been given to the appellants to file response and remanding the matter by restoring the writ petition which shall be decided after filing the response.

c) G.O.Ms.No. 33, dated 12.02.2020 was acted upon and day to day functions are being held smoothly in a newly constituted Patharouthupeta Gram Panchayat without any disturbances for the past six years. A separate PFMS (Public Finance Management System) account (A/c no. APSR00008614), DDO Code (90000038520), DDO description (Patharouthupeta Gram Panchayat) was created to Patharouthupeta Gram Panchayat and house / property taxes are also being collected by the said Gram Panchayat.

d) While things stood thus, the Government passed another G.O.Ms.No. 127, dated 18.09.2026 restoring the *status quo ante* to the G.O.Ms.No. 338, dated 12.02.2020, by considering the order, dated 10.07.2020 in W.P.No. 4238 of 2020, oblivious of the fact that the said order was set aside in the writ appeal. Hence, this writ petition was filed challenging the G.O.Ms.No.127, dated 18.09.2026.

3. On 13.10.2026, this Court passed interim order in I.A.No. 1 of 2026 in W.P.No. 28896 of 2026 staying the impugned G.O.Ms.No. 127 PR & RD (E.R.) Department, dated 18.09.2026 till 29.10.2026. Thereafter, it has been extended from time to time as the Government wanted to examine the issue and take appropriate steps, because in a similar other matter in W.P.No. 28758 of 2026. G.O.Ms.No. 126 PR & RD (E&R) Department, dated 18.09.2026 challenged had been

withdrawn by the Government by passing another G.O.Ms.No. 156 PR & RD, dated 13.10.2026. Despite granting more than enough time, no similar step has been taken in the present case.

4. On the other hand, today, a copy of written instructions of the respondent No. 3 / District Collector vide Rc.No. 2244/2026/P4, dated 05.11.2026 has been placed before this Court. In the written instructions, it is mentioned that Thamada and Patharouthupeta gram panchayats have been factually functioning separately and the 14th and 15th Finance Commission grants have not been received by either Gram Panchayat as the first ordinary elections were not conducted to them, however for the purpose of the ensuing second ordinary gram panchayat elections, the electoral rolls had been prepared for Thamada as a single gram panchayat in accordance with G.O.Ms.No. 127, dated 18.09.2026 which was in force at the relevant time.

5. The learned Assistant Government Pleader for Panchayat Raj and Rural Development placed on record a copy of written instructions of the respondent No. 4 vide Rc.No.2244(1)/2026/P dated. ..10.2026, wherein this instructions as mentioned in the instructions of the respondent No. 3 are reiterated.

6. Despite identifying the illegality in issuing G.O.Ms.No. 127, dated 18.09.2026 which was based on an order in W.P.No. 4238 of 2020 set aside in appeal, no step has been taken to undo the same. On the other hand, as can be seen from the instructions noted above, the elections are being taken up basing on a common voters list for two separate gram panchayats.

7. As the elections are fast approaching, the learned counsel for the petitioner submitted that if G.O.Ms.No. 127 which is impugned in

the writ petition is allowed to remain in force, gross error will be committed in holding the elections.

8. The learned Assistant Government Pleader, representing the respondents, submitted as in the written instructions.

9. Since the error in passing the impugned G.O.Ms.No.127, dated 18.09.2026 is apparent from the facts noted above, it needs to be set aside. Merely because an erroneous common electoral role is prepared by virtue of an erroneous government order, it cannot justify illegality to be perpetrated by taking the same as basis. By now, the respondents ought to have taken steps to remedy the situation by taking appropriate step regarding G.O.Ms.No.127. Instead of doing the same, it is allowed to be continued despite ample opportunity given to take appropriate steps as in the similar case to recall erroneous government order. It is a strange case where deliberate inaction is exhibited all through and appropriate steps shall be forthwith taken up, pursuant to setting aside the impugned G.O. by order of this Court.

10. Accordingly, both the writ petitions are allowed and G.O.Ms.No. 127 PR&RD (E&R) department dated 18.09.2026 is set aside with the aforesaid noted direction for the consequential steps to be taken.

There shall be no order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

**B. S. BHANUMATHI, J**

Dt. 11.11.2026
Note: Issue C.C. by 11.11.2026.
B/o
PNV