

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HON'BLE MR.JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

&

HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO

W.P.(PIL) Nos.53, 59, 71, 77 and 78 of 2022

W.P.(PIL). No.53 of 2022:

Akilapaksham Committee,
Hindupur, Hindupur Mandal,
Ananthapur District,
Rep. by its Convenor T. Balaji Manohar.

... Petitioner

Versus

The State of Andhra Pradesh,
Rep. by its Chief Secretary,
Secretariat Buildings, A.P. Secretariat,
Velagapudi, Amaravathi, Guntur District and five others.

...Respondents

Mr. Prabhunath Vasireddy, Counsel for petitioner.

Learned Advocate General, Counsel for respondents/State, a/w. GP for GAD, Counsel for respondent No.1; GP for Finance and Planning, Counsel for respondent No.3; GP for Revenue, Counsel for respondent Nos.4 and 5 and None for respondent No.6.

W.P(PIL). No.59 of 2022:

Zilla Kendra Sadhana Samithi, Annamayya District,
Rep. by the Convenor Tharigopula Lakshminarayana,
S/o Late Narasimhulu, Aged 59 years,
Hindu, Advocate, R/o Door No 6/445-B-1,
Chaitanya Nagar, R. S. Road,
Rajampeta Municipal Town and Mandal, Kadapa District, A.P.

... Petitioner

Versus

The State of Andhra Pradesh,
Rep. by the Chief Secretary,
General Administration Department (GAD),
Secretariat, Velagapudi, Amaravathi,
Guntur District and seven others.

...Respondents

Mr. S. Siva Rama Krishna Prasad, Counsel for the petitioner.

Learned Advocate General, Counsel for respondents/State, a/w, GP for GAD, Counsel for respondent No.1; GP for Revenue, Counsel for respondent Nos.2 and 6; GP for Municipal Adm. and Urban Dev., Counsel for respondent No.3; GP for Panchayat Raj and Rural Dev., Counsel for respondent Nos.4, 7 and 8 and GP for Finance and Planning, Counsel for respondent No.5.

W.P.(PIL). No.71 of 2022:

Yarramsetti Veera Venkata Satyanarayana Ramaraju,
S/o. Suryanarayana, aged about 46 years,
Occ. Politician, R/o. D.No.33-1-44/1,
Kavala Vari Savaram, Muchimilli Post,
Ramachandrapuram Mandal, East Godavari District, A. P.

... Petitioner

Versus

The State of Andhra Pradesh,
Rep. by the Chief Secretary,
General Administration Department (GAD),
Secretariat, Velagapudi, Amaravathi, and seven others.

...Respondents

Mr. Srinivasa Rao Narra, Counsel for petitioner.

Learned Advocate General, Counsel for respondents/State, a/w, GP for GAD, Counsel for respondent No.1; GP for Revenue, Counsel for respondent Nos.2, 6 and 8; GP for Municipal Adm. and Urban Dev.,

Counsel for respondent No.3; GP for Panchayat Raj and Rural Dev.,
Counsel for respondent Nos.4 and 7; GP for Finance and Planning,
Counsel for respondent No.5 and None for respondent No.6.

W.P(PIL). No.77 of 2022:

Advocates Joint Action Committee Of Rajampet,
Railway Koduru and Nandaluru Advocates Bar Associations,
Rep. by its Convenor,
Doddipalli Chaya Devi @ Y Chaya Devi, W/o Karunakara Raju,
Aged about 59 years, Advocate, R/o. H. No. 1-10,
S. Errapalli village, Rajampet Mandal, Kadapa District.

... Petitioner

Versus

The State of Andhra Pradesh,
Rep. by the Chief Secretary,
General Administration Department (GAD),
Secretariat, Velagapudi, Guntur District and seven others.

...Respondents

Mr. V. V. L. N. Sarma, Counsel for the petitioner.

Learned Advocate General, Counsel for respondents/State, a/w, GP
for GAD, Counsel for respondent No.1; GP for Revenue, Counsel for
respondent Nos.2, 6 and 8; GP for Municipal Adm. and Urban Dev.,
Counsel for respondent No.3; GP for Panchayat Raj and Rural Dev.,
Counsel for respondent Nos.4 and 7; GP for Finance and Planning,
Counsel for respondent No.5.

W.P(PIL). No.78 of 2022:

Sadhu Subramanyam Panth, S/o S V Krishnaiah,
Age 60 years, Occ. Chartered Accountant,
Address D. No. 4-321, Travelers Bungalow Street,
Rajampet, Annamayya District, A. P. & three others.

... Petitioner

Versus

The State of Andhra Pradesh,
Rep. by the Chief Secretary,

General Administration Department (GAD),
Secretariat, Velagapudi, Amaravathi,
Guntur District and five others.

...Respondents

Mr. V. V. Lakshmi Narayana, Counsel for the petitioner.

Learned Advocate General, Counsel for respondents/State, a/w, GP for GAD, Counsel for respondent No.1; GP for Revenue, Counsel for respondent Nos.2 and 4; GP for Finance and Planning, Counsel for respondent No.3.

DATE :04.04.2024

PER DHIRAJ SINGH THAKUR, CJ:

W.P.(PIL).No. 53 of 2022 has been filed challenging the decision of the State Government in declaring Hindupur parliamentary constituency as Sri Satya Sai District and locating the District Headquarters at Puttaparthi. The petitioner further prays for writ of mandamus for declaring Hindupur parliamentary constituency as a District instead of Sri Satya Sai District and to locate the District Headquarters at Hindupur instead of Puttaparthi.

W.P(PIL) Nos.59, 77 & 78 of 2022 have been filed challenging the action of the Government in declaring Annamayya District with its Headquarters at Rayachoti and instead it is prayed that Rajampet be declared as Headquarters for Annamayya District.

In W.P(PIL) No.71 of 2022, the petitioner challenges the merger of Ramachandrapuram into newly formed Konaseema District. The contention of the petitioner is that the said area ought to have been a part of Kakinada District.

In all these petitions, the petitioners allege violation of principles of natural justice as also violation of the provisions of the Andhra Pradesh Districts (Formation) Act, 1974 (hereinafter referred to as “the Act”) and the rules framed thereunder. Briefly stated the material facts are as under:

2. The State of Andhra Pradesh was formed in the year 1956 under the States Reorganization Act, 1956. Thereafter, in terms of the A.P. Reorganization Act, 2014, the erstwhile State of Andhra Pradesh was divided into the newly formed State of Telangana and the residuary State of Andhra Pradesh with 13 districts, namely, East Godavari, West Godavari, Krishna, Guntur, Prakasam, SPSR Nellore, Srikakulam, Vizianagaram, Visakhapatnam, Kurnool, Chittoor, YSR Kadapa and Anantapur.

3. According to Section 3 (1) of the Act, the Government may, by notification, for purposes of revenue administration, divide the State into such districts with such limits as may be specified therein and further that each district shall consist of such revenue

divisions and each revenue division shall consist of such mandals and each Mandal shall consist of villages as the Government may, by notification from time to time specify in this behalf.

4. In terms of Section 3(2) of the said Act, the Government can also, in the interest of better administration and development of the areas form a new district, revenue division or Mandal by separation of area from any district, revenue division, or mandal or by uniting two or more districts, revenue divisions, or mandals or parts thereof or by uniting any area to a district, revenue division, mandal or part thereof. It can also by issuance of a notification under Section 3(2) of the Act, increase or diminish the area of any district, revenue division or mandal or alter their boundaries or names.

5. Section 3(5) of the Act envisages as under:

“(5) Before issuing any notification under this section, the Government or the [Commissioner of Land Revenue], as the case may be, shall publish in such manner as may be prescribed, the proposals inviting objections or suggestions thereon from the persons residing within the district, revenue division, [mandal] or village who are likely to be affected thereby within such period as may be specified therein, and shall take into consideration the objections or suggestions, if any, received.”

6. Section 4 of the Act entitles the State Government to make rules for carrying out all or any of the purposes of the Act. In exercise of the power so conferred under Section 4(1), the rules namely, the Andhra Pradesh Districts (Formation) Rules, 1984 (hereinafter referred to as “the Rules”), have been framed. Rule 3 and 4 of the Rules, being relevant to the present controversy, are reproduced hereunder:

3. Matters of consideration in formation of districts etc.:- (1) Where any action is proposed to be taken by the Government under sub-section (1) or sub-section (2) of Section 3 of the Act or by the Commissioner of Land Revenue under sub-section (4) of that Section, the Government or the Commissioner of Land Revenue, as the case may be, shall take into consideration as far as may be the following matters and the views of the Collectors of the districts and of such other authorities as the Government may consider necessary:—

(i) Area, population, demand under the land revenue and other revenues in respect of areas affected by the proposals:

(ii) Historical association, Geographical contiguity, Physical features, common interests and problems, Cultural and Educational requirements, Infrastructural facilities and economic progress of the areas.

(iii) Development of the area concerned, having regard to the various developments and welfare schemes undertaken or contemplated by the Government in relation to those areas;

(iv) Administrative convenience and better administration; and

(v) interest of economy.

(2) With regard to any proposals for alteration of the name of the district revenue division, mandal or a village regard shall be had among other matters, to the following namely:— (i) Historical association, if any, of the existing name, with the proposed change; and (ii) the need for change of name if any proposed.

(3) In matters concerning sub-section (1) or sub-section (2) of Section 3 of the Acts the Collector concerned shall forward to the Government his report with his views together with the record of enquiry if any for the consideration of the Government. If after such consideration the Government so decides, a preliminary notification under sub-section (5) of Section 3 of the Act inviting objections or suggestions to the proposals from the persons residing in the area/areas which are likely to be affected thereby, shall be issued.

(4) In matters concerning sub-section (4) of Section 3 of the Act, the Collector concerned shall forward to the Commissioner of Land Revenue his report together with the record of inquiry if any with his views for the consideration of the Commissioner. If after such consideration the Commissioner of Land Revenue so decides, a preliminary notification under sub-section (4) of Section 3 of the Act inviting objections or suggestions to the proposals from the persons residing in the area/areas which are likely to be affected thereby shall be issued.

4. Publication of preliminary notification:— (1) The preliminary notification referred to in sub-rule (3) or (4) of Rule 3 inviting objections or suggestions thereon shall be in Form I and shall be published in the Andhra Pradesh Gazette and the District Gazettes of the district/or districts affected by the proposal and shall also be displayed at the village chavidi, offices of Gram Panchayat, Panchayat Samithi and on the notice boards of the Offices of the Revenue Divisional Officer/Sub-Collector/Assistant Collector/Collectorate and Zilla Parishad.

(2) Any person affected by the proposal may within [30 day's] from the date of publication of the notification referred to in sub-rule (1) above communicate his objections or suggestions thereto to the Secretary to the Government in the Revenue Department or to the Commissioner of Land Revenue, as the case may be, through the Collector of the district concerned, who shall forward the same with his remarks to the Government or the Commissioner of Land Revenue as the case may be.

In the light of the aforementioned provisions of the Act and the Rules, it appears that the Government constituted State Level Committee (SLC) namely the 'Committee to study the restructuring of Districts in Andhra Pradesh' under the chairmanship of the Chief Secretary to Government, *vide* G.O.Ms.No.2098, dated 07.08.2020. Subsequently, the Government issued another G.O. bearing G.O.Rt.No.2207, dated 22.08.2020, constituting sub-committees and District Level Committees to assist the State Level Committee and for providing inputs to the said Committee.

7. It is not denied that objections were filed to the draft notifications issued in terms of Section 3(5) of the Act in regard to creation of Sri Satya Sai District with proposed Headquarters at Puttaparthi in W.P.(PIL) No.53 of 2022; and creation of Annamayya District with Rayachoti as Headquarters by the petitioners in W.P.(PIL) Nos.59, 77 and 78 of 2022; as also

inclusion of Ramachandrapuram Assembly Constituency in the Konaseema District in W.P. (PIL) No.71 of 2022.

8. According to the petitioners, objections filed to the draft notifications were not considered in the correct perspective inasmuch as they had not followed the criteria prescribed under the Act of 1974 and the Rules framed thereunder.

9. The stand of the official respondents, on the other hand, is that all the objections received in regard to the above were considered in the correct perspective in accordance with the provisions of the Act of 1974 and the Rules of 1984 and the official notifications, dated 02.04.2022, were issued.

For purposes of reference, as can be seen from the counter-affidavit filed by the Government:

In the case of W.P.(PIL) No.53 of 2022:

In response to the objections/suggestions, the remarks of the Collector were as under:

“546 Applications have been received. The Request made to consider Hindupur as District Head Quarter is not considered as Puttaparthi has all infrastructural facilities. Hence the request may be rejected.”

Remarks of the Government were as under:

“Hindupur is not centrally located to the newly proposed Sri Satya Sai District. Hindupur is having an inter-state border with Karnataka State.

The availability of infrastructural facilities has been the most important criterion for the setting up of new district head quarters. Puttaparthi has better infrastructure facilities and is having good transportation facilities from all corners of the State and Country. There is a Super Specialty Hospital runned by Sri Satya Sai Central Trust and is providing free services to the poor people. Sri Satya Sai Airport is conveniently located Six (6) Kms from Puttaparthi town and it is the only privately owned airport in India. It can be used by the Government for Transportation. Hence the same is selected as district head Quarters of Sri Satya Sai District. The Collector has also recommended the same. Hence the request may be rejected and accordingly, the Preliminary Notification may be confirmed.”

In the cases of W.P.(PIL) Nos. 59, 77 and 78 of 2022:

In response to the objections/suggestions filed by the petitioners and similarly situate others, wherein request was made to declare Rajampet as District Headquarters of the newly proposed Annamayya District, the Collector submitted his remarks as under:

“The notification No. 119 dated 26.01.2022 of the Andhra Pradesh was issued by the Government of AP for restructuring of the district taking into consideration of proximity to the proposed new Head Quarters to the three Assembly Constituencies in YSR District and Chittoor District within Rajampet Parliamentary Constituency. The distance of proposed new district Head Quarter from other Constituencies is as detailed below:-

The distance from Rajampet to Madanapalli, Piler, Tamballapalli & Rly. Kodur is 127 KMs, 92 KMs, 120 KMs & 56 KMs respectively whereas from Rayachoti to Madanapalli, Piler, Tamballapalli & Rly. Kodur is 71 KMs, 56 KMs, 64 KMs & 92 KMs respectively. Further, in respect of infrastructure, it is also available at Rayachoti. Hence, the request of the petitioner could not be considered due to geographical distances.

Remarks of the Government were as under:

“Rule 3(1) of the Andhra Pradesh district (formation) rules, 1984 lists various factors that need to be taken into consideration by the Government, in addition to the views of the collectors, on representations received after preliminary notifications under Rule 3(3).

The distance from Rajampet to Madanapalli, Piler, Tamballapalli & Rly. Kodur is 127 KMs, 92 KMs, 120 KMs & 56 KMs respectively whereas from Rayachoti to Madanapalli, Piler, Tamballapalli & Rly. Kodur is 71 KMs, 56 KMs, 64 KMs & 92 KMs respectively. Further, in respect of infrastructure, the same is also readily available at Rayachoti.

Keeping in view of the distances from Rajampeta and Rayachoti to other Mandals and due to this proximity, it is historically associated with geographical areas of Rayachoti. Under the circumstances, the request to declare Rajampet as District Head Quarters of newly proposed Annamayya District appears to be not justified.

Hence, the request may not be accepted to incorporate in the final Notification.”

In the case of W.P.(PIL) No.71 of 2022:

As per the counter-affidavit filed, it appears that the objections to the notification, dated 25.01.2022, were filed which were considered by the Government in the light of the following remarks:

“Ramachandrapuram Revenue Division with the headquarters Ramachandrapuram is presently situated in Amalapuram Parliamentary constituency. Now, it is being proposed for inclusion in proposed Konaseema District with the headquarters at Amalapuram. The distance between Ramachandrapuram revenue division headquarters at Ramachandrapuram to proposed headquarters at Amalapuram is about 55 kms whereas from Kakinada, it is about 31 kms. The objections are not considered since there is not much difference in respect of distance factor from Ramachandrapuram revenue division to the proposed headquarters of Kakinada and Amalapuram. Ramachandrapuram Revenue division is falling under Amalapuram Parliamentary constituency and the objective of the Government is to reorganise the districts more (or) less basing on the existing Parliamentary constituency as a criteria.”

After considering the objections so filed, the Government issued a final notification for formation of Konaseema District, vide G.O.Ms.No.180, dated 02.04.2022, following the procedure under the A.P. District (Formation) Act, 1974 and A.P. District (Formation) Rules, 1984. It is not out of place to mention that as per the counter-affidavit filed by the Government, the Government has changed the name of Konaseema District as Dr. B.R. Ambedkar Konaseema District, vide G.O.Rt.No.361, dated 18.05.2022.

10. From the above, it is thus clear that the objections were not only invited in terms of the Act of 1974 and the Rules framed thereunder, they were also considered by the Government pursuant to which the final notifications were issued on 03.04.2022. It would be apt for us to place reliance upon the Supreme Court judgment in the case of **J.R. Raghupathy & Others v. State of A.P. & Others**¹ in which the Supreme Court set aside the judgment of the High Court wherein it had interfered with the location of the Mandal Headquarters and had quashed the impugned notification on the ground that the Government had acted in breach of the guidelines and proceeded to decide that place A was more centrally located than place B for the location of such Mandal headquarters. The Apex Court, in those circumstances, held:

“31. We find it rather difficult to sustain the judgment of the High Court in some of the cases where it has interfered with the location of Mandal Headquarters and quashed the impugned notifications on the ground that the Government acted in breach of the guidelines in that one place or the other was more centrally located or that location at the other place would promote general public convenience, or that the headquarters should be fixed at a particular place with a view to develop the area surrounded by it. The location of headquarters by the Government by the issue of the final notification under sub-section (5) of Section 3 of the Act was on a consideration by the Cabinet Sub-Committee of the proposals submitted by the Collectors concerned and the

¹ (1988) 4 SCC 364

objections and suggestions received from the local authorities like the gram panchayats and the general public. Even assuming that the Government while accepting the recommendations of the Cabinet Sub Committee directed that the Mandal Headquarters should be at place 'X' rather than place 'Y' as recommended by the Collector concerned in a particular case, the High Court would not have issued a writ in the nature of mandamus to enforce the guidelines which were nothing more than administrative instructions not having any statutory force, which did not give rise to any legal right in favour of the writ petitioners.”

11. It is settled law that this Court, in exercise of powers under Article 226 of the Constitution of India, does not test the decision but the decision making process. Reference in this regard can be made to the judgments rendered in the cases of **Vivek Narayan Sharma v. Union of India**² and **State of U.P. vs. Maharaja Dharmander Prasad Singh**³.

12. In the present cases, the decision of the Government does not suffer from any perversity nor can it be said to be in violation of the Act of 1974 or the Rules of 1984. We find no merit in these petitions, which are accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

R. RAGHUNANDAN RAO, J

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² (2023) 3 SCC 1

³ (1989) 2 SCC 505

HON'BLE MR.JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO

W.P.(PIL) Nos.53,59, 71, 77, 78 of 2022

DATE : 04.04.2024

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