

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**FRIDAY, THE TWENTIETH DAY OF MARCH TWO THOUSAND
AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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CONTEMPT CASE No.1188 of 2014

Between:

Kunja Saraiah, S/o. Bakkaiah,
Aged about 37 years,
Occ: Agriculture, Caste: Koya,
R/o. Pothireddypalli, Edulla Bayyaram (v),
Pinapaka Mandal, Khammam District,
Telangana State.

.. Petitioner

AND

Mr. Sreenivasa Sreenaresh,
The Collector and District Magistrate,
Khammam District, Khammam & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This Court passed interim orders in W.P.No.19952 of 2014 on 16.07.2014, which reads as under:

“Counsel for the petitioner submits that without a resolution being passed by the Grama Sabha, a retail outlet is proposed in the Scheduled Area and the same is *ex facie* illegal. Counsel also submits that so far Grama Saba has not passed any resolution and even before a resolution is passed, the respondent authorities are taking steps to grant A4 licence in Edulla Bayyam Village, Pinapaka Mandal, Khammam District, which would be *ex facie* illegal.

Notice before admission, returnable in three weeks.

If no resolution is passed in accordance with the provision contained in Andhra Pradesh Panchayats Extension to Scheduled Area (PESA) Rules, 2011, no licence shall be granted in Edulla Bayyaram village (shown at item No.63 in the notification dated 14.06.2014).”

2. Alleging that the said order is violated and even though no Grama Sabha was held, as mandated by the Andhra Pradesh Panchayats Extension to Scheduled Area (PESA) Rules, 2011 (for short, ‘the Rules’), the retail outlet was sanctioned, this contempt is filed.

3. In response to the notice issued, counter affidavit is

filed by the 2nd respondent. According to the counter affidavit, though originally Edulla Bayyaram had ten hamlets and treated as one village, for administrative convenience, Edulla Bayyaram was divided into three separate villages and presently Edulla Bayyaram consists of four hamlets i.e., Edula Bayyaram, Gondla Bayyaram, Botigudem and Telaga Bayyaram, for the purpose of conducting of Grama Sabhas in the scheduled areas. Notification to this extent was issued by the Commissioner of Tribal Welfare on 02.09.2013. In these four hamlets, the total voters are 1237 and to constitute a valid resolution, minimum quorum required was 412. Grama Sabha was held on 27.06.2014, wherein 424 voters had attended, out of which 352 voted for establishment of the A4 liquor shop. On communication of the resolution passed by the Grama Sabha, the concerned competent authority granted A4 licence.

4. Having regard to the fact that in accordance with the Rules, Grama Sabha was held and the Grama Sabha approved establishment of retail outlet, there is no violation of the orders passed by this Court in W.P.No.19952 of 2014 on 16.07.2014.

5. The Contempt Case is, accordingly, closed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN

RAO, J

Date: 20th March, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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