

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

PIL No. 314 OF 2014

08-06-2015

Between:

R.S. Rama Krishna Reddy and three others

... Petitioners

And

The State of A.P., rep., by its Principal Secretary,

Municipal Administration and Urban Deveopment Department, Secretariat,
Hyderabad and three others

... Respondents

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PIL No. 314 OF 2014

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

The petitioners, in this PIL, seek to challenge the resolution dated 25-10-2015 passed by the 3rd respondent – Municipality resolving to construct a new building for Dhone Municipality in Sy.No.294/B2A, Venkatayanunipalli Village, Dhone Mandal, Kurnool district. They have also prayed for direction to the 3rd respondent to construct new building at the existing site, which, according to them, is measuring about 39 cents.

Learned counsel for the petitioners submitted that if municipality building is constructed at the proposed site, that would cause inconvenience to the people at large since it is away from the city. He submitted that the existing building site is in the heart of the city and it will be convenient to everyone if building is constructed at this site. He also submitted that a resolution was passed by the 3rd respondent in the year 2008 to construct the building for the municipality at the existing site.

We have perused the counter affidavit filed by the 3rd respondent. In view of the averments made in paragraph 3 of the counter, it appears that after construction of e-seva center at the existing site, what is left is only 21 cents, which would be absolutely insufficient to accommodate building for the municipality. As against this the site of proposed building is 50 cents. In paragraphs 7 and 8 of the counter, they have replied to the objection as to inconvenience to the people at large, which, in our opinion, deserves to be reproduced:

“7. It is submitted that, after taking over charge of Chairperson, the 4th respondent along with the Nagar Panchayat members reviewed the matter at number of times. Finally, after perusing the report of the Revenue Officials mentioned above, and after making thorough enquiries to select suitable site and as it is not available, and as there is no scope to construct office buildings in the open sites of the Nagar Panchayat which are reserved for public purposes, the 4th respondent herself came forward to donate a site of her own admeasuring 50 cents situated in Sy.No.294/B2A of Done on free of cost to construct Office buildings and for other purposes of the Nagar Panchayat. As per the information

gathered by this respondent, the 4th respondent and her predecessors-in-title in Dhone are charitable persons and donated voluntarily number of acres of land of their own to temples, Schools and Societies in Dhone Town.

8. It is submitted that the features of the site of an extent of 50 cents in Sy.No.294/B2A of Dhone donated by the 4th respondent are as follows:

1. The donated site is 500 meters from the New Bus Station of Dhone.
2. It is 400 meters from Dhone Electricity Office.
3. It is 200 meters from House Hold Gas Office.
4. It is 200 meters from Govt. ITI.
5. It is 300 meters from R.T.O. Office.
6. It is 700 meters from Fly-over bridge.
7. It is 400 meters from Sweepers colony.
8. It is at a distance of 2 K.Ms. from the present old Nagar Panchayat office.
9. It is submitted that, the Regional Director of Town and Country planning and his staff inspected the subject site and selected it as suitable for construction of Nagar Panchayat office.”

None of the statements, made in the counter affidavit, are disputed by the petitioners. That apart, from the contents of paragraphs 7 and 8, it is clear that the proposed municipality building is not away from the city, as submitted and it is close from all the offices as mentioned in paragraph 8 of the counter. In any case, it is always open to the elected body of the municipality to take a decision, as the one taken in the present case, having regard to the convenience of all concerned. We do not find any reason to interfere with such decision of the municipality.

Hence, the PIL is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

08-06-2015

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