

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO. 22627 of 2015

Between :

Kummam Sattaiah S/o Venkaiah
R/o H No. 9-07, Mallareddygudem village,
Nalgonda district

.... Petitioner

And

The State of Telangana
Rep by its Principal Secretary, Panchayat Raj
Secretariat, Hyderabad and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 6.8.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No
Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 22627 of 2015

ORAL ORDER:

Government sanctioned funds under Rajiv Gandhi Swashakti Abayan for construction of building for Gram Panchayat offices and under the scheme, Mallareddygudem Gram Panchayat is identified for construction of a new Gram Panchayat building. As per the resolution passed by the Gram Panchayat, three locations were suggested by the villagers of the Gram Panchayat for construction of the Gram Panchayat building. The site near Mandal Parishad Primary School was chosen for construction of Gram panchayat building and accordingly a foundation stone was laid.

2. In this writ petition, petitioner being a sarpanch of the Gram Panchayat seeks declaration that the building of the Gram Panchayat should be constructed in the land purchased by the Gram Panchayat for the same purpose bearing plot No. 12, 13 and 14 admeasuring 554 sq yards in Survey No. 555 and not at any other place.

3. Learned counsel for petitioner submits that said place is ideal for construction of the Gram Panchayat building as it is located in the centre of the village and Gram panchayat has passed a resolution in support of the construction of the said building. He submits that the decision to construct Gram Panchayat building elsewhere which is very far and outside the main village would cause inconvenience to the villagers.

4. Learned standing counsel submits that on the issue of construction of Gram Panchayat building at appropriate place, a Gram Sabha was conducted, attended by the Sarpanch, Vice-Sarpanch, some ward members and villagers wherein unanimous resolution was passed identifying three locations for construction of the building and on due verification, the site near to Mandal Parishad Primary School was chosen. That on 7.3.2015 the Mandal Parishad Development Officer addressed letter to the District Panchayat Officer enclosing the building plan for construction of the said building. The District Panchayat Officer issued proceedings dated 25.4.2013 addressed to the Sarpanch of the Gram Panchayat accepting the

building permission submitted and accordingly he was informed to take up the construction. Learned standing counsel produced proceedings of the District Panchayat Officer dated 2.7.2015 granting administrative sanction for construction of the building. The issue has come to a stage, where decisions are already taken and appropriate grants were approved and administrative sanction is issued and interfering at this stage on the premise that location of the building is not ideally and suited and other location originally proposed by the Sarpanch is more suitable could not be gone into and more over it is for the villagers and authorities to chose the location of the Gram Panchayat.

5. In matters of this nature wherein discretion vested in the competent authorities and in valid exercise of such discretionary power a particular place is chosen, this Court in exercise of power of judicial review, cannot interfere and suggest location of Gram Panchayat office at a particular place than the place chosen by the competent authority. It is further to be noted that Sarpanch of the Gram Panchayat, who is petitioner herein, was present when the resolution of the Gram Sabha was passed; he kept quiet till further proceedings are issued and even when sanction order intimation was given and this writ petition is instituted by relying upon a resolution passed on 28.5.2015 by which time all other proceedings have been completed. Moreover, it appears to be the will of the villagers. Thus, I am not inclined to interfere with the matter at this stage.

6. Accordingly the writ petition is dismissed. No costs. In view of the dismissal of the writ petition, WPMP No. 31627 of 2015 filed by third parties seeking to implead in the writ petition to support the cause of the petitioner and WPMP No. 29240 of 2015 are dismissed.

P NAVEEN RAO,J

DATE: 6.8.2015
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HONOURABLE SRI JUSTICE P. NAVEEN RAO

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