

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

**TUESDAY, THE FIRST DAY OF SEPTEMBER TWO THOUSAND
AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION Nos.24524 & 27486 of 2015

Between:

Mr. Mohd. Farooq Ahmed,
S/o. Mohd. Ismail, Aged about 35 years,
Occ: Vice Chairman, Adilabad Municipality,
R/o. H.No.3-5-157/1, Tatiguda,
Adilabad & 4 others

.. Petitioners

AND

The State of Telangana,
Rep. by its Principal Secretary to
Municipal Administration,
Telangana Secretariat, Hyderabad & 8 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.24524 & 27486 of 2015

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COMMON ORDER:

In both the writ petitions, the petitioners are councillors of Adilabad Municipality.

2. In W.P.No.24524 of 2015, the petitioners assailed the action of the respondent Municipality in awarding contract of outsourcing workers to undertake various works of the Municipality in pursuant to the tender notification, dated 30.02.2015. The petitioners allege that several irregularities were committed in the manner in which tender notification was issued and the tenders were finalized.

3. In W.P.No.27486 of 2015, initially, the relief sought was that an appeal filed under Section 59-A of the Andhra Pradesh Municipalities Act, 1965 (for short, 'the Act'), on 10.08.2015 is not disposed of and direction be issued to dispose of the said appeal. Having realized that the appeal was preferred to a wrong authority i.e., the Director of Municipal Administration, Telangana Secretariat, Hyderabad (2nd respondent), whereas in accordance with the provision contained in Section 59-A of the Act, petition shall lie to the Government, during the pendency of the writ petition, the petition (filed as appeal) is preferred to the Government on 29.08.2015 and, accordingly, W.P.M.P.No.36416 of 2015 is filed praying to amend the prayer in the main writ petition.

4. When the matters are taken up for consideration, learned counsel for the petitioners submits that the direction be issued to the Government to dispose of the petition.

5. Learned Standing Counsel for the respondent Municipality as well as the learned Assistant Government Pleader for the Municipal Administration Department submit that the petition was preferred to the competent authority only on 29.08.2015 and, therefore, no direction can be issued at this stage to dispose of the petition by fixing a time limit. The Government requires considerable time to consider such petitions.

6. Having regard to the claim made by the petitioners now and since the petition is already filed before the Government, both the writ petitions are disposed of as under:

(i) **W.P.No.24524 of 2015:**

Against any decision taken by the respondent Municipality, revision shall lie to the Government to exercise power under Section 59 of the Act and, accordingly, the petition is now preferred to the Government on 29.08.2015. In view of the same, the cause in W.P.No.24524 of 2015 does not survive and the Writ Petition is, accordingly, dismissed.

(ii) **W.P.No.27486 of 2015:**

The W.P.No.27486 of 2015 is disposed of directing the Government to consider the petition filed by the petitioners on 29.08.2015 on the issue of awarding of contract to engage workers by the Municipality, consider the same in accordance with its

merits and if the Government is *prima facie* satisfied with the grievance of the petitioners, cause notice on the persons against whom the allegations are made and after affording due opportunity to all the parties, the Government shall pass appropriate orders, as warranted by law, as expeditiously as possible.

7. In view of the orders passed in W.P.No.27486 of 2015 directing the Government to give due opportunity to all the persons while considering the petition filed by the petitioners, it is not necessary to order W.P.M.P.No.35913 of 2015 in W.P.No.24524 of 2015 to bring on record the proposed respondents 7 and 8. Accordingly, the W.P.M.P.No.35913 of 2015 is dismissed.

8. The W.P.M.P.No.36416 of 2015 in W.P.No.27486 of 2015 filed by the petitioners praying to amend the prayer in the main writ petition is ordered.

9. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO, J

Date: 1st September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION Nos.24524 & 27486 of 2015

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Date: 1st September, 2015

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