

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 3359 of 2009

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ORDER :

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This writ petition is filed seeking writ of mandamus declaring the Madhavipalem ferry Tender cum Public Auction notice in Roc.No.P.V/365/08, dated 16.01.2009 issued by the 2nd respondent as illegal and arbitrary and contrary to Section 10 of the Andhra Pradesh (Andhra Area) Canals and Public Ferries Act, 1890 and also Section 57 of the A.P.Panchayat Raj Act, 1994.

A perusal of the writ affidavit filed in support of the writ petition goes to show that dispute arose between the Petitioner and the 2nd respondent, which are local authorities in respect of ferry rights.

Heard Sri S.Nageswara Reddy, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj appearing for the 1st respondent and Sri Ravi Cheemalapati, learned Standing Counsel for the 2nd respondent.

Section 273 of the Panchayat Raj Act, 1994 reads as follows:

273.Adjudication of disputes between local authorities:

- (1) When a dispute exists between a local authority and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute; and
 - a) decide it themselves; or
 - b) refer it for enquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted for the purpose by an order of the Government.
- (2) The reports referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they may deem fit.
- (3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time, by the Government in such manner as they deem fit, and any such decision with the modification, if any, made therein under

this sub-section, may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on all the local authorities concerned and shall not be, liable to be questioned in any court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.”

The *lis* in the writ petition is squarely covered under Section 273 of the A.P.Panchayat Raj Act, 1994. Without resorting to mechanism available under Section 273 of the Act, the petitioner straight away filed the writ petition. When the petitioner and the 2nd respondent have alternative remedy under Section 273 of the Act, it is for the 1st respondent to resolve the dispute under Section 273 of the Act between the petitioner and the 2nd respondent.

In view of the same, I do not see any reason to entertain the writ petition. However, it is for the 1st respondent to resolve the dispute between the petitioner and the 2nd respondent as per Section 273 of the Act of 1994 within a period of six months from the date of receipt of a copy of this order. The petitioner may approach the 1st respondent with all relevant particulars in the dispute.

Accordingly, this writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand dismissed.

_____ **A.RAJASHEKER REDDY, J**

30.10.2015.

KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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Date: 30-10-2015

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