

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION Nos. 23727, 23732 and 23736 of 2005 & 16669 of 2006

Dt:25.11.2015

Between:

S.Kesava Rao and another.

... Petitioners

And

Government of A.P. and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION Nos. 23727, 23732 and 23736 of 2005 & 16669 of 2006

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

In these writ petitions, the petitioners have challenged G.O.Ms.No.855 issued by Municipal Administration and Rural Development (ELE-II) Department, dated 07.10.2005, whereby five villages were converted into Nagar Panchayat.

On 07.11.2005, this Court issued Rule and on 06.01.2006, granted

interim order. Interim order reads thus:

“Learned counsel for the petitioner seeks interim orders on the ground that G.O. came to be issued despite the resolution passed by the petitioner-Gram Panchayat resisting for constitution of Rajam Nagar Panchayat.

Learned Government Pleader for Panchayat Raj and Rural Development seeks Adjournment.

In that view of the matter, I deem it appropriate to order status quo existing as on this day in all respects.”

Learned Assistant Government Pleader for Panchayat Raj and Rural Development submits that the respondent Government would be satisfied if they are given liberty to reconsider the issue and issue fresh Government Order constituting Nagar Panchayat if the circumstances permit constitution of Nagar Panchayat.

Learned counsel for the petitioners submits that the petitioners have no objection for allowing the Government to reconsider the issue and issue Government Order in accordance with law. He, however, submits that the Government while issuing fresh Government Order shall follow due procedure.

In the circumstances, the writ petitions are disposed of setting aside G.O.Ms.No.855, dated 07.10.2005, with liberty to the Government to reconsider the issue, take fresh decision and issue Government Order in accordance with law. The order, dated 06.01.2006, shall remain operative till a decision is taken as directed in these writ petitions. It is needless to mention that while taking the decision and issuing Government Order, the Government shall follow the due procedure contemplated under the Panchayat Raj Act, 1994 and the A.P. Gram Panchayat (Declaration of Village) Rules, 1994.

Consequently, miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:25.11.2015

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