

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19989 of 2015

Dated : 02.07.2015

Between:

Kamineni Seethamahalakshmi W/o.Late Raghunatha Rao,
Hindu, Aged about 76 yrs, Occ :Household,
R/o.Ramavaram Village, Kaikaluru Mandal,
Krishna District.

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj & Rural Development
Department, Secretariat Building, Hyderabad & 3 others

.. Respondents

This Court made the following :

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ORDER :

With the consent of learned counsel for the petitioner and learned Standing Counsel for Gram Panchayat, this writ petition is disposed of, at the admission stage.

2. The petitioner claims to be the owner and in possession of land to an extent of Ac.1.31 cents in Survey No.62/2 of Ramavaram Village, Kaikalur Mandal, Krishna District, in which a fish tank is existing. Adjacent to the said fish tank, the drinking water tank of the village is situated. The respondent-Gram Panchayat passed a resolution on 11.06.2015. The purport of resolution is that there is possibility of seepage of the polluted water from the fish tank into the drinking water tank and therefore, the

Gram Panchayat has decided that the owner of the property should undertake digging of 'Odubode' in between the fish tank of the petitioner and the drinking water tank of the village and it should be strengthened. In pursuant to the said resolution the Panchayat Secretary issued notice dated 11.06.2015 directing the petitioner to take appropriate steps as resolved by the Gram Panchayat. Challenging the said notice, this writ petition is filed.

3. The grievance of the petitioner is that the resolution of the Gram Panchayat is affecting her right. There was no such requirement as mandated by Gram Panchayat. If at all the Gram Panchayat feels that there is a possibility of polluted drinking water, it ought to have taken steps and in so far as the petitioner is concerned, the petitioner has not violated any rules or regulations and there is no seepage of polluted water of the fish tank of the petitioner.

4. Be that as it may, in accordance with the provisions contained in Section 264 of Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act, 1994'), the petitioner can file a revision before the Government against the said resolution passed by the Gram Panchayat. Being a Revisional authority, the Government is competent to consider the grievance of the petitioner and take appropriate decision as warranted

by law. This writ petition is filed without exhausting such remedy available under the Act, 1994.

5. Learned counsel for the petitioner contends that the petitioner is compelled to invoke the jurisdiction of this Court since she was given only seven days time to undertake the task as directed.

6. Having regard to the said submission, this Writ Petition is disposed of granting liberty to the petitioner to avail the remedy available under Section 264 of the Act, 1994. The time fixed in the impugned notice dated 11.06.2015 stands extended by two (2) weeks from today to enable the petitioner to avail the remedy under Section 264 of the Act, 1994. If such a revision is filed before the Government, within two weeks from today, until the disposal of the Revision, the notice dated 11.06.2015 stands suspended. The Government shall take a decision, after calling for the records, within a period of six (6) weeks from

the date of filing of the Revision application. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

02nd July, 2015
Rds

P.NAVEEN RAO,J