

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

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WP :19874 of 2015

Between:

- 1 Raavi Madhava Rao S/o Komaraiah, M.P.T.C Member, Gundala Village, Yetapaka Mandal, East Godavari District.
- 2 Podiyam Shamaalatha D/o Krishnaiah, M.P.T.C Member, Gommukothagudem Village, Yetapaka Mandal, East Godavari District.
- 3 Kusumaraju Padma W/o Suresh, M.P.T.C Member, T.P. Veedu Village, Yetapaka Mandal, East Godavari District.
- 4 D.Venkateswar Rao S/o Sathyanarayana, M.P.T.C Member, Nellipaka Village, Yetapaka Mandal, East Godavari District.
- 5 Nakka Sridevi W/o. Narsimha Rao, M.P.T.C Member Yetapak Village, Yetapaka Mandal, East Godavari District.

..... Petitioners

AND

- 1 The State of Andhra Pradesh, Represented by its Principal Secretary, Panchayat Raj and Rural Development, A.P. Secretariat, Hyderabad.
- 2 The State Election Commission Andhra Pradesh, Represented by its State Election Commissioner, 3rd Floor, Buddha Bhavan, M.G. Road, Secunderabad.
- 3 The Commissioner of Panchayat Raj & Rural Development State of Andhra Pradesh, Hyderabad.
- 4 The District Collector East Godavari District, Kakinada.
- 5 The District Panchayat Officer East Godavari District, Kakinada.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the Respondents in not constituting Yetapaka Mandal Praja Parishath of East Godavari District under the provisions of A.P. Panchayat Raj Act, 1994 even after lapse of one year of bifurcation of the State of Andhra Pradesh is illegal, arbitrary and in violation of Articles 19 and 21 of the Constitution of India and contrary to the provisions contained in Panchayat Raj Act, 1994 and consequently direct the Respondents to constitute Mandal Praja Parishath of Yetapaka Mandal of East Godavari

District and also declare that all the petitioners are eligible to continue as Members of Mandal Praja Parishath, Yetapaka of East Godavari District as per declaration of Mandal Parishad Election results on 13-5-2014.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI K.SARATH Advocate for the Petitioner, learned Government Pleader for Panchayat Raj and Rural Development (A.P.), for Respondent Nos.1, 3, 4 & 5, and of Sri V.V.Prabhakara Rao, learned Standing Counsel for Respondent No.2, the Court made the following:

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ORDER:

Learned counsel for petitioners submits that even though petitioners were elected as Mandal Parishad Territorial Constituency Members in the elections held in April, 2014, on the ground that Mandal Parishad is not constituted as a consequence to bifurcation of the State of Andhra Pradesh into the State of Andhra Pradesh and State of Telangana and allocation of seven Mandals to residuary State of Andhra Pradesh. Though steps were taken for creation of Revenue Divisions and finalization of the same, no consequential steps to finalize the creation of Mandal Parishad is made and petitioners are made to languish even without taking oath of office for more than one year. Such conduct of the respondents is not appreciated.

Learned standing counsel seeks time till 27.08.2015 for obtaining instructions from the District Collector as to the stage of creation of Mandal Parishad of Yetapaka Revenue Division.

Post on 27.08.2015 at 3.30 p.m.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Panchayat Raj and Rural Development, State of Andhra Pradesh, A.P. Secretariat, Hyderabad.
- 2 The State Election Commissioner, State Election Commission Andhra Pradesh, 3rd Floor, Buddha Bhavan, M.G. Road, Secunderabad.
- 3 The Commissioner of Panchayat Raj & Rural Development State of Andhra Pradesh, Hyderabad.
- 4 The District Collector East Godavari District, Kakinada.

- 5 The District Panchayat Officer East Godavari District,
Kakinada. (1 to 5 by RPAD)
- 6 One CC to SRI K.SARATH, Advocate (OPUC)
- 7 Two CCs to GP FOR PANCHAYAT RAJ AND RURAL
DEVELOPMENT (A.P.), HIGH COURT, HIGH COURT
BUILDINGS, HYD. (OUT).
- 8 One spare copy.

SRL

HIGH COURT

PNRJ

DATED: 24.08.2015

NOTE: POST ON 27.08.2015 AT 3.30 P.M.

NOTICE BEFORE ADMISSION

W.P.NO. 19874 OF 2015

DIRECTION

HIGH COURT

**Drafted by: SRL
Date of Drafting : 25.08.2015**

PNRJ

DATED: 24.08.2015

NOTE: POST ON 27.08.2015 AT 3.30 P.M.

ORDER

W.P.NO. 19874 OF 2015

DIRECTION