

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.3236 of 2009

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ORDER :

This Writ Petition is filed seeking to issue a writ of *M a n d a m u s* to declare the proceedings Roc.No.137/RPB/D2/CPO/08, dated 26-12-2008 of the 1st respondent insofar as the item No.4, as illegal and arbitrary and consequently, by nullifying the same, direct the respondents to undertake the works for construction of revetment/protection wall to Sri Renuka Yellamamba Temple as per proceedings Roc.No.137/RPB/D2/CPO/08, dated 26-07-2008 of the 1st respondent.

2. This Court passed interim order dated 19-02-2009 in W.P.M.P. No.4221 of 2009 in W.P. No.3236 of 2009 as follows :

“The entrustment of works, or distribution of assets of the State, through nomination, has become so rampant, that all possible norms are being violated. The work for construction of revetment near Renuka Yellamamba Temple at Machupalli Village, Siddout Mandal, Kadapa District, was sanctioned at an estimated cost of Rs.15 lakhs, and it was entrusted for execution to the Irrigation Department. Finding that nomination for the said work of such a magnitude is not possible, revised orders were issued on 26.12.2008, splitting the works into three bits of Rs.5 lakhs each.

There cannot be a better instance of gross misuse

of power and arbitrariness, than this. This Court takes serious exception to the manner in which the powers were exercised by the concerned authorities.

There shall be interim suspension as prayed for, and it is directed that the first respondent shall ensure, that the work, as proposed through his proceedings, dated 26.07.2008, is executed through the Irrigation Department by inviting tenders.”

3. Now, it is brought to the notice of this Court by the learned counsel for the petitioner that in view of the interim order passed by this Court, the competent authorities already cancelled the works allotted to various persons by way of nomination and a decision was also taken by the Executive Engineer to call for tenders for execution of the said works. Further, the learned counsel for the petitioner submitted that in view of the stand taken by the Executive Engineer, nothing survives in this Writ Petition for adjudication.

4. Recording the said submission of the learned counsel for the petitioner, the Writ Petition is disposed of as infructuous. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

18th February, 2015

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