

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

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
PUBLIC INTEREST LITIGATION No. 22 OF 2015

DATE: 16.02.2015

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Between:

Pothani Purushotham
& others.

... Petitioners

And

The State of Telangana, rep., by its Principal Secretary,
Municipal Administration, Hyderabad
& others.

... Respondents

This Court made the following:

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

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PUBLIC INTEREST LITIGATION No. 22 of 2015

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ORDER: (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed questioning the resolution being No.56 dated 05.09.2014 passed by the 3rd respondent – Nagara Panchayat Peddapally. By this resolution the 3rd respondent has decided to remove existing dilapidated public toilets to rebuild the same at different place by Public Private Partnership.

The petitioners have stated that the proposed resolution intending to construct new toilets at a place is neither practically convenient nor commercially viable. In our view, this matter cannot be gone into by this Court, unless it is shown to us that the aforesaid resolution is patently illegal. No illegality has been raised. The petitioners have merely questioned the viability of the same.

According to us, it can only be reviewed by the Government and the Government alone under Section 59 of the Andhra Pradesh Municipalities Act, 1965 and such power of review can be exercised by the Government suo motu or on an application of the Member, Chairperson of the Nagara Panchayat concerned or the Commissioner. Neither of them has approached nor the petitioners have taken steps for review. According to us, a member of the public has no locus to make

an application for review under the aforesaid provision of law.

Under these circumstances, we direct the Government to consider the present writ petition being sufficient material to take action for review suo motu or not. If it is deemed fit and proper to take action suo motu on this material, such action may be taken within six weeks from the date of communication of this order. However, in the opinion of the Government, if such review is not called for in such a case decision shall be communicated to the petitioner within fortnight from the date of communication of this order.

The writ petition is accordingly disposed of on the above terms.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

K.J. SENGUPTA, CJ

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SANJAY KUMAR, J

Date: 16.02.2015
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