

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16883 OF 2009

ORDER

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This writ petition is filed for a writ of mandamus directing the respondents to consider the representation of the petitioner dated 04.07.2009 for stoppage of the illegal construction of over head tank in the court yard of the community hall, situated at Pakala Village, Kodakandla Mandal, Warangal District.

This Court has not granted any interim order either at the time of issuing Notice before admission on 21.08.2009, or at the time of admitting the writ petition on 09.10.2009.

The respondent No.5 filed counter affidavit on behalf of the respondent Nos.4, 6 and 7 stating that construction of Over Head Service Reservoir (OHSR) is proposed in Ambedkar Jeevandhara Programme to supply the safe drinking water to the villagers. The work was administratively sanctioned vide proceedings dated 19.04.2007 and consequently, it was entrusted to the President, Village Works Committee, Pakhala as per the Gram Panchayat Resolution and the site was handed over to the RWS Department. Before taking up the said work, the soils were tested and found to be satisfactory to construct the OHSR at the proposed site. It is stated that there is no prohibition or obstruction to construct the OHSR near the Schools, Community Hall, Temple etc and before the construction of OHSR in the premises of Ambedkar Bhavan, permission was obtained from Gram Panchayat, Pakhala on 22.09.2008 and the work has been taken up after approval of the competent authority. It is further stated that all the safety measures have been taken before construction of OHSR and sought for dismissal of the writ petition.

In this case, though petitioner's grievance is non-consideration of his representation for stopping the construction of OHSR, the 5th respondent in the counter clearly explained under what circumstances the construction of OHSR was taken up and it also goes to show that required permissions were obtained and all safety measures were taken before taking up the construction. The

petitioner has not made out any ground for stopping the construction of OHSR. Since in the counter elaborate explanation is given for construction of OHSR, the question of consideration of representation made by the petitioner to stop the construction of the OHSR does not arise.

In view of the above, I do not see any merit in the writ petition. Hence, the writ petition is dismissed. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 22.09.2015

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