

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION NO.25602 OF 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of 5th respondent in proceeding with the construction of Grampanchayat building by illegally demolishing the Mahila Mandali building in Lankala Koderu Village, without approval for change of location and leaving the Grampanchayat land in Sy.No.366/1 of Lankala Koderu Village, wherein a foundation was laid on 16.10.2010 for construction of the said Grampanchayat building, as illegal, arbitrary and for a consequential direction to the respondents to reconstruct the Mahila Mandali building in its original place.

2. Heard the learned counsel for the petitioners, learned Government Pleader for Panchayat Raj (Andhra Pradesh) appearing for respondents 1, 3 and 6, learned Government Pleader for Revenue appearing for respondent No.2 and Sri Ravi Cheemalapati, learned Standing Counsel appearing for respondents 4 and 5.

3. The petitioner is permitted to implead Grampanchayat of Lankala Koduru Village, represented by its Secretary as respondent No.8.

4. The 2nd petitioner claims to be the President of Sri Sai Durga Mahila Mandali Society, Lankala Koderu Village, which was registered in the year 2006. The said Mahila Mandali building was constructed with the funds provided by the Central Government and it has been undertaking several social welfare activities for women. As the building of the Grampanchayat was in dilapidated

condition, it was shifted to the building of Mahila Mandali in the year 2010 and the said office was operated from this building till recently. The Government of Andhra Pradesh sanctioned funds for construction of new Grampanchayat building. According to the petitioners, suitable land was already available for construction of Grampanchayat building in Survey No.366/1 of the said Village, which was donated by the Rajula family for the purpose of construction of Grampanchayat and earlier a foundation stone was also laid in the said land for construction of the same. For the reasons best known to the Authorities, Grampanchayat building was not constructed in that place. The petitioners contend that by demolishing the existing Mahila Mandali building, it is proposed to construct the Grampanchayat in the same place and the foundation stone was also laid in May, 2015. Aggrieved thereby, this writ petition is filed.

5. Learned counsel for the petitioners submits that it is illegal to displace Mahila Mandali office in the building which was constructed by them and to construct Grampanchayat office by demolishing the said building, that already suitable land is available and foundation stone was also laid in the year 2010 and that such action of the respondent-Authorities is illegal and arbitrary and was deliberately done at the instance of local Sarpanch.

6. Some vague allegations are made against Sarpanch of the Grampanchayat, but he was not impleaded by name. Be that as it may, as admitted by the learned counsel for the petitioner, the land on which Mahila Mandali building was constructed belongs to the Grampanchayat. In such an event, if the Grampanchayat takes a decision to construct Grampanchayat building at the same place

where Mahila Mandali was located, this Court cannot exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to hold such action as illegal. The Grampanchayat is an autonomous body constituted under the Panchayat Raj Act dealing with the affairs of the Village, on overall supervision of hierarchy as officers of the State in the Panchayat Raj Department and the decisions of the Grampanchayat are required to be approved by the Higher Authorities, more particularly, when it has financial implications. Thus, this Court cannot interfere in such administrative functioning of the Grampanchayat and it is not proper to attribute *mala fides* against individuals in such matters. It is not the case of the petitioners that they are forcibly displaced from the property belonging to the Mahala Mandali. Thus, I do not see any merit in this writ petition.

7. At this stage, the learned counsel for the petitioners submits that Mahila Mandali has been doing good social work all along and since they are now displaced, there is no space for conducting activities involving the women of the village and unless some space is provided to them such programmes would adversely affect.

8. Having regard to the said submission, the President of Mahila Mandali is granted liberty to prefer a representation to the Grampanchayat as well as to the District Panchayat Officer requesting to provide some space to carry on their activities. As and when such request is made, the same shall be considered objectively and proper decision is taken by the respondent-Authorities within a period of four weeks from the date of receipt of a copy of this order.

9. With the above observations and directions, this Writ

Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P.NAVEEN RAO, J

Date: 13.08.2015

pab

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

WRIT PETITION No.25602 of 2015

Between:

E.Chandra Shekar and another
Petitioners

...

and

The State of Andhra Pradesh and seven others

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 13-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE P.NAVEEN RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?
Yes/No

2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment? Yes/No