

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5635 OF 2015

ORDER:

This petition is filed for issuance of a writ of *Mandamus* declaring the action of the respondents in trying to allot the replacement of water pipeline work worth of Rs.3 lakhs from CDR to SVS at Sarabavaram Village of Rolugunta Mandal, Visakhapatnam District, by defeating the earlier allotment made to petitioner to do the said work without any reason and without any notice, as illegal, arbitrary and violative of principles of natural justice.

The case of the petitioner is that she is a Sarpanch of Sarabavaram Village. She requested the higher officials to replace the pipelines, which were damaged due to cyclone that occurred on 12.10.2014. The respondents sanctioned the work for replacement of damaged pipelines worth Rs.3.00 lakhs from CDR to SVS at Sarabavaram and a Village Level Water and Sanitation Committee was also formed to that effect and the petitioner is the Chairman of that Committee. She made a representation to the 3rd respondent for allotment of work by paying a bank challan for Rs.7,500/-. On 28.02.2015, some third parties executed the said work by restoring the pipelines. So, she approached the 5th respondent, but the 5th respondent evaded to give reply. She came to know that some people in the village are influencing the respondents and in advance they stored pipelines with confidence that they would get the said work. Aggrieved by the same, the writ petition is filed.

Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj, appearing for respondents 1, 3 and 5 and the learned Government Pleader for Revenue, appearing for respondent No.2.

Counter-affidavit is filed by the respondents stating that the petitioner has neither approached the MPDO nor respondents 3 to 5 for allotment of work at any point of time; that the contention of the petitioner that she paid a bank challan for Rs.7,500/- as advance amount is also false, as bank challan (EMD and FSD) would be paid only after the entrustment of work but not at the time of applying for entrustment of work and that the said work was allotted to Self Help Group and the same is also completed.

Learned counsel for the petitioner submits that the bank challan (EMD) paid by the petitioner is not returned by the respondents and prayed to direct the respondents to return the same.

Since the said work is allotted to Self Help Group and the same is completed, the cause in the writ petition does not survive. If the petitioner made any EMD, the respondents shall return the same as per law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

07.04.2015

pab