

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

WRIT PETITION NO.22825 of 2015

Between:

Sri Venkateswara Vaddera Cooli Sangam (Regd.No.1671/94)
D.No.6A-13-6, Southern Street, Ponangi Road, Eluru,
West Godavari District, rep.by its President, V.Srinivasa Rao,
S/o.V.Satyanarayana Rao, Aged about 36 years,
r/o.Eluru, West Godavari District.

.. Petitioner

AND

The Jangareddygudem Nagar Panchayat, Jangareddygudem,
West Godavari District, rep.by its Commissioner and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 23.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : Yes / No
be allowed to see the Judgments ? :
2. Whether the copies of judgment may be marked : Yes / No
to Law Reporters/Journals :
3. Whether Their Lordship wish to see the fair : Yes / No
copy of the Judgment ? :

**HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.22825 of 2015**

ORDER:

Petitioner participated in the tender process as a consequence to the tender notification issued on 13.04.2015 for the purpose of supplying 30 male public health workers for maintenance of sanitation in Jangareddygudem Nagar Panchayat area. A contract was entered into and in terms thereof, petitioner is executing the work as entrusted to him. While so, an extraordinary meeting of the Nagar Panchayat was held on 13.07.2015 and resolution was passed annulling the tender process, resulting in award of contract. Challenging the said resolution, this writ petition is filed.

2. It is seen that what is challenged in the writ petition is only a resolution to do a particular act in a particular manner, in the instant case, to annul the contract granted to petitioner. Though petitioner may have a genuine grievance against such resolution, resolution is not enforceable unless it results in an order by executive authority. Petitioner is not affected unless his contract is terminated in implementation of the said resolution by way of an order passed by the authority of the Nagar Panchayat. Such resolution neither can be enforced nor can it be challenged in a court of law. At the most the aggrieved person can file a complaint to the Government, which has power to annul such resolution under Section 59 of A.P.Municipalities Act, 1965. Thus, writ petition is not maintainable against resolution of Nagar Panchayat *per se* and also as it is premature since no adverse order is communicated to petitioner. The cause of action would arise to the petitioner only when ultimate order is passed and communicated to the petitioner. Accordingly, the writ petition is dismissed, leaving it open to the petitioner to avail appropriate remedy as warranted by law, as also against any order is made and served on him in pursuant to the resolution No.93 dated 13.07.2015. In view of the above decision, all the issues agitated in the writ petition are left open.

Miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

Date : 23.07.2015
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JUSTICE P.NAVEEN RAO

HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 23.07.2015

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