

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.16001 OF 2009

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the action of the 3rd respondent – Panchayat Secretary, in failing to implement the orders passed by the 2nd respondent – District Panchayat Officer, Visakhapatnam, vide Rc.No.428/2009, A5, dated 02.07.2009.

2. Heard the learned counsel for the petitioner and learned Government Pleader for Panchayat Raj and Revenue Department for the respondents 1 and 2 and Sri Ravi Cheemalapati for the 3rd respondent. None appears for the 4th respondent.

3. According to the petitioner, he is a resident of Gavaravaram Village, Chodavaram Mandal, Visakhapatnam District. It is further stated that the 3rd respondent – Gram Panchayat, without proper verification accorded permission for establishment of rice mill by the 4th respondent in the middle of the village and the 4th respondent established the rice mill without obtaining proper permission from the authorities concerned. It is further stated that the petitioner herein along with other villagers made representations to the 2nd and 3rd respondents for removal of the said rice mill, but

the 3rd respondent did not take any action. It is also the case of the petitioner that he himself along with others personally visited the 2nd respondent office and made a representation on 04.06.2009, complaining about the inaction on the part of the 3rd respondent in removing the said rice mill and that basing on the said representation, District Panchayat Officer – 2nd respondent herein issued a memo bearing Rc.No. 428-2009/A5, dated 02.07.2009, directing the 3rd respondent herein to take action in the matter and to submit a report. According to the petitioner, no action as directed by the 2nd respondent has been taken by the 3rd respondent – Panchayat Secretary. In the above background, the present writ petition came to be filed.

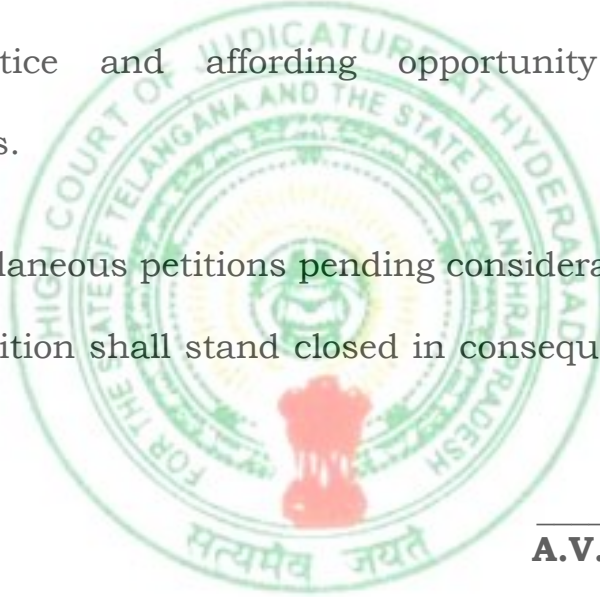
4. No counter affidavits have been filed by the respondents, denying the averments made in the affidavit filed in support of the writ petition.

5. According to the petitioner, the rice mill established in the middle of the village by the 4th respondent, is causing hazardous effect to the villagers and causing inconvenience to general public and pollution in the village. Though the District Panchayat Officer directed the Panchayat Secretary – 3rd respondent, as long back as on 02.07.2009 to take appropriation action, according to the petitioner, no action has been taken by the Panchayat Secretary.

5. This Court finds absolutely no justification on the part of the Gram Panchayat in not taking further steps pursuant to the memo dated 02.07.2009.

6. For the aforesaid reasons, writ petition is disposed of, directing the 3rd respondent – Gram Panchayat, to take appropriate action pursuant to the memo bearing Rc.No.428-2009/A5, dated 02.07.2009, issued by the District Panchayat Officer – 2nd respondent herein, within a period of three months from the date of receipt of a copy of this order, after issuing notice and affording opportunity to all the stakeholders.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.



A.V.SESHA SAI, J

24.11.2016

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