

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33018 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of mandamus declaring the inaction of the fifth respondent in taking steps to remove the garbage dumped in the graveyard of Mummidivaram village, as illegal and arbitrary.

2. Heard the learned counsel for the petitioners, learned Government Pleader for Revenue and learned standing counsel for fifth respondent–Grama Panchayat.

3. It is the case of the petitioners that an extent of Acs.1.86 cents in survey No.930 of Mummidivaram village, East Godavari District was earmarked for the purpose of graveyard. Their further case is that fifth respondent–Grama Panchayat has been dumping the garbage in the graveyard, which is causing lot of inconvenience to the public. Whether the fifth respondent is keeping garbage in the graveyard or not is purely a disputed question of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of Constitution of India. A perusal of the record reveals that the petitioners submitted a representation dated 24.8.2016 to the fifth respondent with a request to remove the garbage in the graveyard. For one reason or the other, the fifth respondent has not disposed of the representation of the petitioner.

4. At the time of the arguments, the only relief sought by the learned counsel for the petitioners is that the fifth respondent may be directed to dispose of the representation of the petitioners dated

24.8.2016. The learned standing counsel for fifth respondent is also consented for the same.

5. Having regard to the facts and circumstances of the case and in view of the submissions made by the learned counsel for both the parties, the fifth respondent is hereby directed to dispose of the representation of the petitioners dated 24.8.2016, as expeditiously as possible preferably within a period of one month from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

September 28, 2016
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T.SUNIL CHOWDARY, J

