

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.3603 of 2010

ORDER:

The petitioner prays for Mandamus to declare proceedings Rc.No.460/A2/2009, dated 10-02-2010 of 1st respondent as illegal, arbitrary and without jurisdiction.

Through the impugned proceedings, 1st respondent issued direction to respondents 2 and 3 herein to take possession of Paritvarthana School run by petitioner Society at subject premises and report compliance.

On 18-02-2010, the impugned proceedings were stayed by this Court.

The respondents filed detailed counter together with annexures and tried to justify the impugned proceedings.

The petitioner Society by placing on record additional material papers, *prima facie* established that the averments in the counter affidavit are made without verification more particularly when the petitioner is running rehabilitation centre for deaf, dumb and otherwise physically challenged children, the respondents ought to have enquired into allegations and correct circumstances are placed before this Court

Having heard the learned counsel appearing for parties and taking note of the extreme views on a very small point touching the fact in issue, this Court on 08-03-2016 passed the following order.

“Heard Mr.Venugopal Rao for petitioner and the Assistant Government Pleader. The learned counsel agreed for the following order:

The petitioner challenges proceedings Rc.No.460/A2/2009

dated 10.02.2010 passed by the 1st respondent against the petitioner society. Through the impugned proceedings, the 1st respondent directed as follows:

“As such the Revenue Divisional Officer, Guntur, and the Joint Director, Social Welfare Department, Guntur are hereby directed to take possession of the Parivarthana building by shifting the children of that society to Government deaf Ashrama Patasala, Bapatla and to run a hostel are hostel for college going Girls.”

On 18.02.2010, this Court granted interim stay of impugned proceedings. The respondents filed WVMP No.163 of 2013 to vacate the order dated 18.02.2010.

At the time of considering the vacate stay petition, having regard to the allegations against petitioner society and denial thereof by the petitioner society, before considering the prayer in the vacate stay petition, I am of the view that an independent report on petitioner society is obtained on the constitution, administration, working, financial resources, the mode and manner of imparting education to physically challenged children studying in the school run by petitioner. The I Additional District & Sessions Judge, Guntur is directed to inspect the Parivarthana Bhavan run by the petitioner society, enquire into aspects referred to above, interact with students with the help of trained teachers/teachers imparting education at the centre, and file report. The learned District Judge, Guntur is directed to communicate the copy of this order to the I Additional District & Sessions Judge, Guntur for appropriate action and for filing report.

Post on 17.03.2016.”

The I Additional District and Sessions Judge, Guntur, as directed above, has inspected the premises and filed detailed report dated 28-03-2016. The report of the learned Judge is meticulous and supported by enclosures. Further, the District Administration by accepting the findings in the report has taken a few following measures to help the children at Rehabilitation home.

This Court on 01-04-2016 directed the respondents as follows:-

The Government Pleader, on instructions, submits that the copy of the report of the learned I Additional District Judge, is forwarded to the District Collector, Guntur. The Revenue Divisional Officer, fourth respondent, is also present in the Court today and he assures that appropriate action against the Tahsildar, who forwarded the report dated 09.10.2009, and suitable help to run the petitioner-institution are contemplated and within one week a decision would be taken and placed before the Court.

The submission is accepted.

Post on 07.04.2016 for filing the report or informing the outcome of the decision of the District Collector, Guntur.”

Learned Government Pleader places on record the communication received from the District Collector, Guntur-1st respondent, dated 06-04-2016.

From the instant communication, it is noted that the District Collector, on being satisfied with the perfunctory manner in which the proceeding impugned in the writ petition was passed, has withdrawn the same and further through separate orders, dated 06-04-2016 communicated to different departments, such as the Assistant Director, Welfare of Differently Abled & Senior Citizens Department, Guntur District, the Project Officer, Rajiv Vidya Mission, Guntur, the Commissioner, Sattenapalli Municipality, Sattenapalli and the Revenue Department, directed taking note of recommendations in the report. Action against the then Tahsildar, who without proper verification forwarded the report to District Collector for issuing impugned proceedings, is also initiated.

The above circumstances are placed on record and it is hoped that the District Collector concludes the action already initiated against the Tahsildar to its logical end and as regards other recommendations, which could not immediately be attended to, appropriate further steps are taken to provide helping hand to disabled children for pursuing studies at the petitioner's School.

With the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Registry is directed to communicate a copy of this order to the I Additional District and Sessions Judge, Guntur.

Date:07-04-2016
Prv

S.V.BHATT, J

THE HON'BLE SRI JUSTICE S.V.BHATT

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Dated 07-04-2016

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Prv