

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

WRIT PETITION No.34310 OF 2012

ORDER:

When the matter is called, it is represented by learned counsel for the petitioner as well as learned Standing Counsel for 6th respondent Municipality that the issue in the writ petition is squarely covered by common order, dated 21.10.2013, in PIL No.119 of 2013 and Batch.

2. The operative portion of the said common order reads as under:

“We have considered the rival contentions of the parties. We are of the view that when the provision under Section 246 of the Act has been invoked, it should have been invoked in true and complete sense. The aforesaid provision requires that the Government shall pass an order of cancellation on certain grounds as mentioned therein. No such order of cancellation has expressly been passed by the respondents on the views or resolutions adopted by the concerned Gram Panchayats. We think that such decision is a *sine qua non* when the procedure has been adopted by the Government itself. Accordingly, we direct the Government to take a decision in the light of the provisions of Section 246 of the Act for cancellation of the resolutions adopted by the concerned Gram Panchayats. Such decision shall be taken in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and such decision will abide by the decision of the inclusion of these Panchayat areas with the Rajahmundry Municipal Corporation.”

3. Following the above common order and for the reasons recorded therein, this writ petition is also disposed of, in terms thereof.

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

A.V.SESHA SAI, J

NOVEMBER 29, 2016

Note:

Registry to annex copy of common order
Dated 21.10.2013 in PIL No.119 of 2013
to this order.

(B/o)
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Date: 29.11.2016

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