

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.23877 OF 2014

DATED:21-01-2016

Between:

Satti Bullemmayee
and others

... Petitioners

And

The Government of Andhra Pradesh
Rep. by its Principal Secretary
Panchayat Raj Department
Secretariat Buildings
Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Siva Bhami Reddy

COUNSEL FOR RESPONDENT NOs.1 and 3: A.G.P. for Panchayat Raj
(AP)

COUNSEL FOR RESPONDENT NO.2 : A.G.P. for Revenue (AP)

COUNSEL FOR RESPONDENT NOs.4 and 5:Mr. Ravi Cheemalapati,
Standing Counsel for
Panchayat Raj Institutions (AP)

COUNSEL FOR RESPONDENT NO.6 : Mr. N. Siva Reddy

THE COURT MADE THE FOLLOWING:

ORDER:

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Though interlocutory applications are listed, with the consent of the learned counsel for the parties, the writ petition itself is heard and being disposed of.

The petitioners, who are residents of Koppavaram Village, filed this writ petition, for declaring the action of respondent Nos.2 to 5 in ignoring Resolution No.71, dt.09.08.2014, for construction of water tank and bathing ghat at Koppavaram Village, Anaparthi Mandal, East Godavari District, as illegal and arbitrary, and consequently to direct the respondents to implement the said Resolution.

The petitioners averred that respondent Nos.2 to 5 are proceeding to implement Resolution dt.18.12.2012 for construction of water tank and bathing ghat in Koppavaram Village, instead of constructing the same at the place chosen by the elected body of the Gram Panchayat, vide its Resolution No.71, dt.09.08.2014.

In the counter affidavit filed by the Panchayat Secretary of Koppavaram Gram Panchayat, it is *inter alia* averred that adjacent to the burial ground relating to Koppavaram Village, the facilities of water tank and bathing ghat, which are necessary for performing rituals after burial of the dead, were not available and that on the representation of the villagers, which was placed before the Gram Panchayat, the then Special Officer has passed a resolution on 18.12.2012 for construction of water tank and bathing ghat with M.P. Lads funds, and that based on the said resolution, the Collector has issued proceedings sanctioning Rs.5,00,000/- (Rupees five lakhs only) for the said purpose. After the elections to the Gram Panchayat, the newly elected body has passed a resolution on 09.08.2014 resolving that water tank and bathing ghat shall be constructed at a different place from the one which was identified vide Resolution dt.18.12.2012.

The facts pleaded in the counter affidavit are not disputed by the

learned counsel for the petitioners.

Admittedly, the funds which are required to be spent for construction of the water tank and bathing ghat do not belong to the Gram Panchayat and on the contrary, they relate to M.P. Lads. Much before the Resolution dt.09.8.2014 was passed by the Gram Panchayat, the District Collector has sanctioned the funds based on the Special Officer's Resolution dt.18.12.2012. In these circumstances, this Court is of the opinion that the petitioners cannot seek enforcement of the subsequent resolution, which was passed contrary to the previous Resolution dt.18.12.2012, for change of location for construction of water tank and bathing ghat, which were intended to provide water to the persons connected with the dead in order to perform the rituals after burial/cremation of the dead.

For the above mentioned reasons, I do not find any merit in this writ petition and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, interim order dt.21.8.2014 passed in W.P.M.P. No.29913 of 2014 shall stand vacated, and W.P.M.P. No.29913 of 2014 and W.V.M.P. No.2724 of 2014 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

21.01.2016

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