

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

WRIT PETITION No.2251 OF 2011

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proceeding with the construction of Gram Panchayath Office of Narasimhapuram Gram Panchayath at Iyyavari Kandriga as illegal, arbitrary, unconstitutional, being violative of Article 14 of the Constitution of India and consequently direct the respondents to not to proceed with the construction of Gram Panchayat Office of Narasimhapuram Gram Panchayath at Iyyavari Kandriga of Palasamudram Mandal, Chittoor District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri P.Jagadish Chandra Prasad, learned counsel for the petitioners and learned Government Pleader for Panchayat Raj for the respondents 1 and 2, Sri G.Seshadri, learned standing counsel for the 3rd respondent – Gram Panchayat and Indus Law Firm for the respondents 4 to 7.

3. The grievance in the present writ petition is that the respondents are proceeding with the construction of Gram Panchayat Office of Narasimhapuram Gram Panchayat at

Iyyavari Kandriga. Responding to the notices issued by this Court, a counter affidavit deposited by the 3rd respondent – Gram Panchayat is filed, stating that the Gram Panchayat called for a special meeting on 23.06.2010 and resolved to construct the office building at Iyyavari Kandriga, which is called as Narasimhapuram as per revenue records. No reply affidavit is filed, disputing the said averments in the counter affidavit of the Gram Panchayat. Therefore, the said averments in the counter are required to be taken as true.

4. Since the relief sought in the writ petition as well as the decision taken by the Gram Panchayat is one and the same, this Court deems it appropriate to dispose of the writ petition by placing on record the said averments made in the counter affidavit.

5. Accordingly, writ petition is disposed of, by placing on record the averment made in the counter affidavit of the 3rd respondent that the 3rd respondent has resolved to construct the office building at Iyyavari Kandriga, which is called Narasimhapuram as per revenue records.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

20.12.2016

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