

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38902 OF 2016

Dated:15.11.2016

Between:

V. Saibabu, S/o.Nageswara Rao,
Aged about 41 years, Occ: Cool Drink
Shop. Opp. Bus Stand, Nagara
Panchayat Shop, Kollapur, Nagarkurnool
Mahabubnagar District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Municipal
Administration Department,
Secretariat, Hyderabad and another

.. Respondents



The Court made the following:

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ORDER:

The petitioner claims that he has been running a cool drink shop since 25 years in a place belonging to the then Gram Panchayat. The Gram Panchayat decided to construct a shopping complex in the said place. Since the petitioner was running the shop for a long time, by resolution dated 13.07.2011, the Gram Panchayat resolved to accept an amount of Rs.1,50,000/- from the petitioner and to allot the shop to him after construction is completed. The petitioner paid the amount as demanded by the Gram Panchayat and sought for allotment of the shop as resolved by the Gram Panchayat. Alleging that the shop is not allotted to the petitioner in spite of the resolution passed by the Gram Panchayat, this Writ Petition is filed.

2. Kollapur Village has now become Nagara Panchayat and is governed by the Andhra Pradesh Municipalities Act, 1965 (for short, 'the Act') and the Rules framed thereunder, which provide to allot the shops on lease only by following the due process i.e., issuance of notification, calling for applications, their consideration and then allotment. The Act and the Rules framed thereunder cannot permit to allot a shop to any person by nomination. Even according to the Rules governing the Gram Panchayat, there is no provision for allotment by way of nomination, and the allotment of shops belonging to the Gram Panchayat has to be made only after following due process. Thus, the resolution passed by the then Gram Panchayat is not valid in law. Since the resolution is contrary to the Rules, the decision

taken by the Gram Panchayat is not valid. Thus, the claim of the petitioner for allotment of shop No.14 by way of nomination cannot be granted. Nagar Panchayat has to resort to regular procedure for allotment. As and when such procedure is initiated, it is open to the petitioner to participate in the process of identifying the lessees. The Writ Petition deserves to be dismissed.

3. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date:15.11.2016
KH

P. NAVEEN RAO, J

