

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.21607 of 2012

ORDER:

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This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief/s:-

“....to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent granting permission to the 6th respondent dated 7-10-2010 and 10-10-2010 vide File No.1980/2010, P.O.No.8 as illegal, arbitrary and unjust and set aside the same and consequently directing the respondents 1 to 5 not to accord any permission to the 6th respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced Verbatim)

2. I have heard the submissions of the learned counsel for the writ petitioner, the learned standing counsel for the Gram Panchayats and the learned counsel for the 7th respondent who was brought on record being the legal representative of the deceased 6th respondent. I have perused the material record.

3. In short, the case of the writ petitioner is that a school building was constructed in the village in the year 1981 and that a primary school is being run in that building and that there are 60 students pursuing education in that school and that on the Southern side of the school building as well as the building of the Gram Panchayat, the 6th respondent, during her life time, had purchased 12 cents of open land in the year 2004 and that without any resolution, the Gram Panchayat has proposed to provide a road on the Eastern side of the school building and that therefore, aggrieved of the said proposal of the Gram Panchayat to provide a road, the present writ petition is filed.

4. The case of the Gram Panchayat is that the school building is

constructed by partly encroaching into the site of the 6th respondent and that therefore, the 6th respondent made a request to provide a road from the property of the Gram Panchayat and that accordingly, the road was first proposed to be provided on the Western side of the school building and that later, due to vastu reasons, the 6th respondent had made a request to the 2nd respondent to allot the path way from Eastern side of the Gram Panchayat office building instead of on the Western side and that accordingly, field verification was done and that on the basis of the certificate issued by the Tahsildar, Pamidimukkala, orders dated 10.10.2010 were issued providing the second proposed road after passing a resolution by the Gram Panchayat.

5. At the hearing, the learned counsel for the writ petitioner submits that this writ petition is filed not having knowledge of the resolution of the Gram Panchayat about the proposed road and on the assumption that there was no resolution of the Gram Panchayat for providing the road and that under the A.P.Panchayat Raj Act, 1994, there is also a provision for preferring an appeal assailing any resolution.

6. Having regard to the facts and the submissions now made, this Court finds that there is no merit in the writ petition, which was filed on assumptions and due to ignorance of facts.

7. Accordingly, this writ petition is dismissed.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

M.Seetharama Murthi, J

03rd February, 2016

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