

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.44103 of 2016

ORDER:

Heard Ms. Vasudha Nagaraj for petitioners, Mr. Cheemalapati Ravi for respondents 3 and 4 and Assistant Government Pleader for respondents 1 and 2.

2. Petitioners pray for Mandamus declaring action of respondents 2 to 4 in digging drainage channels linking the drains of new and old SC colonies to the drain running through Pattabhivari Street in Kinthali village, Ponduru Mandal, Srikakulam District as contrary to the Panchayat Raj Act and unconstitutional.

3. Learned counsel for petitioners fairly submits that had the respondents looked into the grievance brought to their notice by petitioners through representation dated 07.12.2016 and given reply, the petitioners would have certainly worked out the remedies available against such communication in accordance with law.

4. The factual objection the petitioners raised against proposed linking of drainage channel to Pattabhivari street is that the existing drainage channel at Pattabhivari street is already over burdened, unless and until the carrying capacity of drainage channel of Pattabhivari street is also suitably improved or modified, connecting additional load leads to a bigger problem than the problem the respondents are trying to solve by digging drainage channels in old and new SC colonies.

5. Learned standing counsel, however, submits that the allegation of petitioners is a mere apprehension, unless and until there is feasibility report, the work would not have been undertaken.

6. The grievance of petitioners substantially appears against inaction of respondents in informing petitioners about the functioning of existing and proposed drainage channels, whether the problem anticipated by petitioners is also considered by respondents or not while executing the works against which complaint is made.

7. This Court is of the view that if these activities are undertaken in haste without properly allaying the fears of petitioners, in due course of time, respondents 3 and 4 will be called upon to solve unexpected and another problem. Therefore, to avoid acting on *ad hoc* basis, this Court directs respondents 3 to 5 to examine the feasibility and functionality of the existing and proposed drainage and effect after its connection to the subsisting drainage channel of Pattabhivari street, and further if the new connection is likely to result in load incapable of being withstood by the existing drainage channel, proper steps are taken and a comprehensive plan is undertaken and implemented. As these are matters of administration by gram panchayat, the Court directs respondents to consider and dispose of representation dated 07.12.2016 within three (3) weeks from the date of receipt of copy of this order and communicate the decision to petitioners.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

December 20, 2016/DSK