

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.14992 of 2009

ORDER:

Heard the learned counsel for petitioner and the Assistant Government Pleader (Social Welfare).

The sole petitioner purportedly representing the case of other residents of Ramesh Nagar Yanadi Colony, Ippapenta Grampanchayath, Chintahkomdine Mandal, Kadapa District, files the instant writ petition praying for Mandamus declaring the inaction of 2nd respondent in preventing construction of Anganwadi building at a place other than the place sanctioned by the Department, as illegal, arbitrary and unconstitutional.

On 27-07-2009 this Court granted time till 03-08-2009 to respondents to get instructions in the matter.

On 03-08-2009 a representation on behalf of respondents was made that instructions on the grievance canvassed in the writ petition were not received. No reply by any of the respondents is filed.

After perusing the material available on record, this Court granted interim direction as prayed for.

The Assistant Government Pleader (Social Welfare) basing on written instructions, he received in the matter from 2nd respondent, submits that Anganwadi building is constructed by Mandal Praja Parishad Officer of C.K.Dinne through Lr.No.1757/A1/2006 dated

26-09-2016. The 2nd respondent called upon the Mandal Praja Parishad Officer to furnish details of the construction of Anganwadi Building etc. However, the Mandal Praja Parishad Officer did not furnish details to 2nd respondent. There appears to be non-co-operation of the Executing Agency from 27-07-2009 till date in examining the grievance of petitioner. Normally, in issues dealing with establishment of offices, welfare centres etc., this Court in exercise of writ jurisdiction does not interfere with these administrative decisions except for available limited grounds of judicial review. For want of any assistance from respondents, this Court is unable to decide the issue on merits. But, at the same time, this court has difficulty in accepting everything stated by petitioner and once and for all prohibit construction of Anganwadi building at the village which would go against the larger interest of stakeholders for whose benefit Anganwadi centre is constructed. To balance these two confliction situations and to enable the District Collector to take a decision expeditiously in this behalf, the writ petition is disposed of by this order.

The interim order dated 03-08-2009 is directed to be maintained for a period of two months from today.

The petitioner is given liberty to submit a representation to the 1st respondent on the construction of Anganwadi at subject village within two weeks from the date of receipt of a copy of this order

and thereafter, within eight weeks, the 1st respondent is directed to call for all details from Mandal Praja Parishad Officer, C.K.Dinne and issue final orders as are deemed fit in the facts and circumstances of the case for constructing Anganwadi building. As the construction of Anganwadi Building at present is completed to lintel level, the 1st respondent calls for report expeditiously and ensures that orders are issued within time granted by this Court.

The writ petition is disposed of accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 08-02-2017
Prv



S. V. BHATT, J

