

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.18868 of 2017

ORDER:

Though the present writ petition is filed challenging the proceedings dated 02/2017, granting administrative sanction for construction of Gram Panchayat Building in respect of 8th respondent-Gram Panchayat, the main controversy in the writ petition relates to the construction of the building at a particular place.

2. The case of the petitioners is that the Gram Panchayat, Vallampatla is not having a permanent Building since long time and accordingly, on 23-06-2010, a meeting of the Gram Panchayat was conducted, a resolution was passed to construct a permanent building in R.S.No.382/1 in an extent of Ac.0-12 cents and Bhumi Puja was also performed. It is also the case of the petitioners that since long time, the Gram Panchayat Office is running in Vallampatla Village, which is in the centre of 5 villages of the Vallampatla Gram Panchayat and is very much accessible to all the villagers of the Vallampatla Gram Panchayat. While things stood thus, the 3rd respondent issued proceedings in R.C.No.D1/1932/2016, dated 02/2017, for construction of Gram Panchayat Building under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). As per the said proceedings, the 3rd respondent - District Collector, West Godavri has given sanction for construction of a building, where there is no Gram Panchayat Building and as per the said proceedings,

Vallampatala Gram Panchayat is at Sl.No.47. The proceedings were issued granting administrative sanction of Rs.15 lakhs.

3. It is further case of the petitioners that as per the said proceedings, the Gram Panchayat Building has to be constructed at Vallampatla Village, which is more accessible to all the villagers of the Gram Panchayat. Earlier also land was taken for the construction of the Gram Panchyat Building at Vallampatla in R.S.No.382/1 for an extent of Ac.0-12 cents vide resolution of the Gram Panchayat and ground breaking ceremony was also performed. It is further case of the petitioners that strangely, the 9th respondent, who is the Sarpanch of the 8th respondent Gram Panchyat, without any resolution of the Gram Panchayat or without any General Body Resolution, shifted the proposed construction site to Mullukunta Village, which is a hamlet of the Vallampatla Gram Panchyat and the native place of the Sarpanch.

4. It is further case of the petitioners that 9th respondent performed Ground Breaking Ceremony by inviting the local member of the Legislative Assembly on 06-06-2017 and taking steps to start the work. The Gram Panchayat of the Vallampatla Gram Panchyat has not passed any resolution for shifting of the place or construction to Mullukunta Village nor the official respondents passed any proceedings of orders to shift the place of construction to Mullukunta Village. Hence the present writ petition was filed by the petitioners.

5. This Court, by order dated 14-06-2017, directed the respondents not to take up the construction work of the new Gram Panchayat Building pursuant to the sanction proceedings in any place. Seeking vacation of the same, the respondents 6 & 7 filed WVMP No.3637 of 2017 and this petition is being disposed of by this order.

6. Heard the learned counsel for the petitioners and learned and counsel for the respondents.

7. The learned counsel for the petitioners submitted that 8th respondent - Gram Panchayat passed a resolution No.6, dated 23-06-2010, for construction of permanent building in RS No.382/1 in an extent of Ac.0-12 cents and ground breaking ceremony was also performed, but due to lack of funds, the construction for permanent building was not commenced and also 3rd respondent has issued proceedings in RC.No.D1/1932/2016, dated 02/2017, for construction of Gram Panchayat Building under MGNREGS Scheme and as per the scheme, the Vallampatla Gram Panchayat building was accorded sanction. The learned counsel for the petitioners further submits that 5th respondent has addressed a letter for commencement of work on 17-6-2017, wherein the Gram Panchayat name was shown as Mullukunta Gram Panchayat even though there is no Mullukunta Gram Panchayat in existence and the 5th respondent also changed the name of Gram Panchayat as Mullukunta with the assistance of 9th respondent - Sarpanch, which is totally illegal and arbitrary.

8. The learned counsel for the 4th respondent filed his counter and in the counter, it is stated that the Vallampatla Gram Panchayat is not having its own Gram Panchayat Office Building. As per the report of the Panchayat Secretary, Vallampatla all the 4 hamlet villages are at the distance of nearly 2 KMs from main village. It is further stated that Vallampatla Gram Panchayat, which was selected for administrative sanction, but eliminated due to non release of funds was considered by the District Collector and District Programme Coordinator and administrative sanction orders were issued vide Proceedings No.D1/1932/2016 dated 10.02.2017. It is also stated that the proposed building was ordered for construction of the Gram Panchayat building of Vallampatla, but not been specified the actual place for the construction. As a villager, namely, Sri Saila Rama Rao has donated the site to the Gram Panchayat for the construction of Gram Panchayat Office Building in R.S.No.296/1 of Vallampatla, the work was started, but on the interim orders passed by this Court in WP No.18868 of 2017, the said work has been stopped.

9. Learned counsel for the 8th respondent submitted that the present Gram Panchayat is situated in a rented premises in Mullukunta Village hamlet of Vallampatla Village, which is the main Village. It is submitted that the commissioner has proposed for sanction of Gram Panchayat Buildings, which are not having own office buildings. Basing on the same, the 3rd respondent - District Collector has given administrative sanction under MGNRES Programme. It is submitted that after administrative sanction for Vallampatla Gram Panchayat for construction of Gram

Panchayat Building, there is no fresh resolution passed as such in this regard.

10. Having regard to the facts and circumstances of the case normally, this Court will not interfere with the matter relating to the location of Gram Panchayat Building when there is a proper resolution by the Gram Panchayat. In the instant case, it appears that way back on 23-06-2010, a resolution was passed for constructing the Gram Panchayat Building in an extent of Ac.0-12 cents of land in R.S.382/1 of Vallampatla Village donated by Thota Rayudiah. Now it appears from the counter filed by the 4th respondent - District Panchayat Officer that one Saila Rama Rao donated an extent of Ac.0-12 cents in R.S.No.296/1 and a Grama Sabha meeting was held on 27-03-2017, resolving to construct the building at that place, but there is no resolution of the Gram Panchayat superseding the earlier resolution dated 23-06-2010. Since the location of the building is in dispute, the 8th respondent is directed to conduct a meeting of the Gram Panchayat and take a decision for constructing the building at the location decided by the Gram Panchayat. Keeping in view the interest of the people in the Gram Panchayat, it is open to the members in the Gram Panchayat to donate any land, but it cannot be a primary consideration and the consideration should be the access to the people.

11. In the circumstances, the writ petition is disposed of directing the 8th respondent to convene a meeting of the Gram Panchayat as expeditiously as possible and take a decision with regard to the location of the Gram Panchayat and if any party is

aggrieved with the same, it is open to the said party to approach the third respondent. Till a decision is taken by the Gram Panchayat, the construction of Gram Panchayat Building shall not be undertaken.

12. With the above observation, the writ petition is disposed of.
No costs.

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

Date:10.10.2017
mrb

JUSTICE A. RAMALINGESWARA RAO

