

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.8865 OF 2010

ORDER:

Heard Mr.T.V.S.Kumar for petitioner and the Assistant Government Pleader (Panchayat Raj) for respondents.

The petitioner prays for Mandamus declaring the action of respondents particularly, the action of 2nd respondent in constituting watershed committee of Madireddygaripalli, Gurappagaripalli watershed-1 of Veeraballi Mandal, Kadapa District, as contrary to procedure, illegal and prays for setting aside the decision dated 03.03.2010.

The circumstances relevant for disposal are as follows:

The petitioner challenges the constitution of watershed committee for Gurappagaripalli watershed-1 (for short 'the subject watershed') on the ground that the constitution of committee in fact, is without intimation or notice of Gram Sabha allegedly held on 03.03.2010. In fact, no Gram Sabha was conducted on 03.03.2010 and that the 2nd respondent stage managed the whole proceedings and forwarded the unauthorised and illegal resolution for constitution of watershed committee. In short, the committee now constituted is the committee of 2nd respondent, but not of villagers or on the recommendation of Gram Sabha.

The 4th respondent after receiving notice filed counter affidavit. The 4th respondent has adverted to each one of the averments made in the affidavit and from the perspective of respondents gave specific reply to these allegations. On the

deviations complained by the petitioner, the narration of 4th respondent is that the 2nd respondent on 15.02.2010 got Tom Tom of proposed Gram Sabha undertaken in all the 15 villages covered under the watershed committee, to hold Gram Sabha on 18.02.2010 at 10.00 a.m. at Elementary School, Madireddygaripalli to elect the watershed committee of subject watershed. Accordingly, as per the schedule, the Gram Sabha was conducted to elect members for the committee unanimously. There was no unanimity in the villagers and the Gram Sabha was postponed by the 2nd respondent. The 2nd respondent again by issuing notice and Tom Tom to the villages covered by the watershed on 03.03.2010 at 2.30 p.m. conducted Gram Sabha at Elementary School, Madireddygaripalli. According to 4th respondent, the meeting was attended by Mandal Parishad Development Officer/Project Implementing Agency, Watershed Development Team, Assistant Project Director, Raychoty, MPTC Gurrappagaripalli (V) and police officials. The Sarpanch, due to ill-health, did not attend Gram Sabha, but however, informed the Gram Sabha to proceed to consider the issue of constitution of committee of subject watershed. Two hundred villagers from 15 villages participated and 30 members did not cooperate for the constitution of the committee and boycotted Gram Sabha. Thereafter, as per the decision taken in the Gram Sabha, a committee of 11 members was constituted. The 4th respondent refers to the enquiry conducted by respondents in this behalf and forwarding the report to 1st respondent as well. The 4th respondent has filed annexures

along with the counter affidavit to evidence the notice displayed proposing to conduct Gram Sabha on 03.03.2010, resolution passed in the Gram Sabha, the signatures of officers referred to above and also the participants. The basis of petitioner's complaint is that the committee for the subject watershed is constituted without Gram Sabha. After perusing the annexures filed along with the counter affidavit and explanation given by the 4th respondent particularly, in the absence of further plea or reply by the petitioner, this Court is of the view that the challenge to constitution of committee on mere assertion of petitioner is not successfully made out. Consequently, the writ petition fails and accordingly dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 22.02.2017
Sp

S.V.BHATT,J

