

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.3352 OF 2009

ORDER:

Heard Mrs.K.Kalpana, for petitioner and the Assistant Government Pleader for Panchayat Raj for respondents 1 to 3.

2. Gram Panchayat, Nidzur, Kurnool Mandal, represented by its Sarpanch, is the petitioner. The petitioner prays for mandamus declaring the action of respondents in proposing to construct a Community Health Centre (6' x 15") at a place earmarked by the Gram Panchayat for constructing Anganwadi Centre as illegal, arbitrary and unconstitutional.

3. The Tahsildar, Kurnool, through notice dated 17.11.2008, called upon the petitioner to pass resolution for constructing Community Health Centre at Nidzur Village. The objection of petitioner is that the allocation of site by respondents is contrary to a resolution already passed by the Gram Panchayat and secondly, the type of Community Health Centre, the respondents are proposing to construct, is neither useful to the village nor any functional result can be derived.

4. On 20.02.2009, this Court directed the respondents not to proceed with the construction of Community Health Centre on the main road in Survey No.187/5, Nidzur Village, Kurnool Mandal and District. The same is subsisting as on date. The respondents have not filed counter affidavit.

5. Having regard to the resolution passed on 19.06.2008 and also the interim order granted on 20.02.2009, this Court is of the view that the writ petition can be disposed of by this order:

“Interim order dated 20.02.2009 is made final order in the writ petition. The petitioner in consultation with 3rd respondent forwards a proposal of suitable land for construction of Community Health Centre in the village and on such proposal being made, the 2nd respondent passes appropriate orders for construction of Community Health Centre. No order as to costs.”

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

10.03.2017
SS

S.V.BHATT, J

