

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 23134 and 23162 of 2017

COMMON ORDER:

These two writ petitions are being disposed of by this common order in view of disposal of W.P.No.7116 of 2017 *vide* order, dated 05.07.2017.

These writ petitions were filed challenging the action of the respondents in not considering the representations filed by the petitioners for release of 25% share of seigniorage charges to them in view of G.O.Ms.No.255, Panchayat Raj & Rural Development (PTS.II) Department, dated 02.08.2001.

Learned Government Pleader for Panchayat Raj & Rural Development submits that the petitioners are not Gram Panchayats and they are not representing the Gram Panchayats also and the benefit of the order, dated 05.07.2017, cannot be extended to the petitioners.

Since the G.O. is sought to be implemented and the ultimate beneficiary is the Gram Panchayats, in view of the order passed earlier at the instance of the individuals, in their personal capacity, these writ petitions are also allowed in terms of the order, 05.07.2017, which reads thus:

“Having regard to the above, when the petitioners prayer is not to pay to them but to pay to the Gram Panchayat, Mandal Parishad and Zilla Parishad respectively, that too only to implement the G.O.Ms.No.255, that is issued by the Government as a trustee to collect and distribute, the writ petitioners got for that purpose locus.

Now coming to the merits, even under the Indian Trust Act, 1882, more particularly from Section 88, a trustee cannot being in a fiduciary position have any advantage of the trust property in the hands. Here by virtue of the very G.O.Ms.No.255, the Government collecting as a trustee to distribute, thereby it cannot retain, much less, to cause loss to the local bodies without distribution timely. In fact there are covered judgments in this scenario in directing the authorities to distribute by implementing strictly the G.O.Ms.No.255, vide order in W.P.Nos.20344 of 2010, dated 28.03.2011, in Ghanpur Gram Panchayat Vs. Government of Andhra Pradesh and order in W.P.No.18336 of 2010, dated 28.09.2010, in Chundru Mangayamma and others Vs. Government of Andhra Pradesh.

Having regard to the above, this writ petition is allowed, directing the respondents to distribute the seigniorage amount collected as per the pro-rata to the Panchayat, Mandal Parishad and Zilla Parishad respectively, within two months from the date of receipt of a copy of this order.”

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:23.08.2017
kdl

