

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.29331 of 2011

ORDER:

Heard Sri G. Madhusudhan Reddy, counsel for the petitioner, Sri M.D. Saleem, standing counsel for 5th respondent and the Assistant Government Pleader for Panchayat Raj for Respondents 1 to 4.

2. The petitioner prays for *mandamus* declaring Roc No.1691/ Pts.A7/ 11 dated 24.11.2011 and the consequential proceedings No.FC No.A/ 2011 dated 27.10.2011 of the 4th respondent, as arbitrary and violative of principles of natural justice.

3. Stated briefly, the proceedings impugned in the writ petition, the 2nd respondent cancelled Resolution No.69 dated 24.12.2010 allegedly passed by the Gram Panchayat without the knowledge of the elected body, as illegal and arbitrary. Though the resolution right of petitioner to construct water plant and supply water to neighbourhood as well as deal with the available water resources, has been cancelled. This court directed the standing counsel for respondents 4 and 5 to produce the records pertaining to resolution dated 24.12.2010 from the office of the 5th respondent.

4. Counsel for the petitioner, after perusing the Xerox copy of the resolution No.69 dated 24.12.2010, requests the court to dispose of the writ petition by directing the 3rd respondent to independently look into the allotment of land to petitioner, validity of resolution and also necessity to cancel the allotment, after affording opportunity to the petitioner as well as 5th respondent and in the meantime continue to maintain status order granted on 02.11.2011.

5. The statement is placed on record and not opposed by the counsel appearing for respondents.

6. The writ petition is disposed of by this order:

1. The status quo granted on 02.11.2011 is directed to remain in operation for a period of three months from today.
2. The petitioner is given liberty to file representation before the 3rd respondent by enclosing a copy of this order within two weeks from the date of receipt of a copy of the order.
3. The 3rd respondent is directed to enquire into the aspect referred to above and take a decision on the allotment of land to the petitioner, validity of the resolution, other connected matters and communicate to the petitioner as well as to the 5th respondent, within six weeks thereafter. The 3rd respondent is given liberty to proceed in accordance with the out come of the enquiry.

It is needless to observe that the 3rd respondent shall afford opportunity of hearing to petitioner before taking a decision. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 20.02.2017
BSS

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Date: 20.02.2017

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