

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH
RANGANATHAN**

Writ Petition No.1341 of 2011

ORDER:

Neither is Sri K.Rathanga Pani Reddy, Learned Counsel for the petitioners, present, nor is there any representation on his behalf.

The action of the 1st respondent, in not entrusting the contract work of restoration of the damaged road from Kondapuram to Marrigunta (shown at S.No.2941 and 2943 of Annexure-I of G.O.Rt.No.21 dated 06.01.2011) to the petitioners habitation works committee, constituted by the Marrigunta Gram Panchayat vide resolution dated 18.01.2011, even though the said committee was constituted as per the rules prescribed in G.O.Ms.No.37 dated 18.02.2005, is questioned in this Writ Petition as being illegal, arbitrary and unconstitutional.

In the counter-affidavit, filed by the 2nd respondent, it is stated that their department had received two resolutions, i.e resolution Nos.2 and 4 dated 18.01.2011, from the Marrigunta Village Gram Panchayat for entrusting the works to the habitation work committee constituted by the Gram Panchayat; soon after finalization of the departmental procedure such as estimates, technical sanction etc, the works may be entrusted to the habitation work committee, constituted by the Marrigunta Gram Panchayat resolutions, as per the rules prescribed in G.O.Ms.No.37 dated 18.02.2005.

In the counter-affidavit, filed by the Mandal Parishad Development Officer, Kondapuram Mandal, it is stated that the

resolutions of the gram panchayat were attested by him; his role was recommendatory in nature, and he could not award the works; and he had acted in accordance with the provisions of the A.P. Panchayat Raj Act.

By G.O.Rt.No.21 dated 06.01.2011 the Government had accorded administrative sanction for restoration of 3531 damaged road works to be undertaken in various parts of the 22 districts at an estimated amount of RS.258.58 Crores, under the Calamity Relief Fund, for restoration of the roads and buildings which were damaged because of the heavy rains and floods which occurred during the period from June to September, 2010. The said G.O. was issued nearly seven years ago.

The fact that G.O.Ms.No.37 dated 18.02.2005 envisages that works, upto a limit of Rs.5.00 Lakhs, are to be entrusted to the habitation works committee constituted by the Gram Panchayat, with the Sarpanch as the Chairman, is not in dispute. It is, however, not known whether G.O.Rt.No.21 dated 06.01.2011 continues to remain in force, and whether the subject roads have already been re-laid. At this length of time, as more than six years have elapsed since the G.O. was issued, it would be wholly inappropriate for a mandamus to be issued directing the respondents to entrust the subject works to the petitioners herein. Suffice it, therefore, to leave it open to the petitioners, in case the said G.O. is still in force and the subject work has not been executed so far, to request the respondents to grant them permission to lay the road in terms of the aforesaid G.O. On such a request being made, the respondents shall consider the same in accordance with law.

With the aforesaid observation, the Writ Petition is disposed of. The Miscellaneous Petitions pending, if any, shall also stand disposed of. No order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:08.12.2017.
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