

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.22715 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a writ, order or a direction, more particularly one in the nature of WRIT OF MANDAMUS declaring action of respondents 2 and in applying G.O.Ms.No.125 Water Resources (WRG-GRC) Department, dt.29.12.2016 for deduction of the amount for various completed works of their department towards price of the sand component as illegal, irregular, arbitrary and violative of Articles 14, 21 of Constitution of India and consequently direct the respondents 2 and not to deduct any amount from the final bills payable to the petitioner under the guise of sand component by applying G.O.Ms.No.125 Water Resources (WRG-GRC) Department, dt.29.12.2016 and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and learned Government Pleaders for Irrigation and Municipal Administration representing respondents 1 and 4, Sri A.Panduranga Rao, learned Standing Counsel for respondent No.3 and perused the prayer in the writ petition with supporting affidavit and other material on record.

The main grievance of the petitioner is that G.O.Ms.No.125 dated 29.12.2016 has no application to the petitioner including reference No.(1) covered by Government memo No.3066/M-II(1)/2016-3 dated 04.03.2016 of Industries & Commerce (M.II) Department, apart from it is subsequent to the said memo dated 04.03.2016. The mutual agreements in question are entered and

several aspects not even considered of the excavation charges, loading and unloading huge amount including for transport and *thereby* the said G.O. and its application is *per se* illegal. It is also the submission of that do not refer to the said G.O. dated 29.12.2016 but for the mutual agreements.

Having regard to the above, the Writ Petition is disposed of permitting the petitioner to give a representation if at all with any additional facts also by referring to G.O.Ms.No.125 dated 29.12.2016 within one week from the date of receipt of copy of this order and respondents shall dispose of the same within four weeks therefrom, after hearing by passing a reasoned order. If the petitioner has any further grievance, it is left open to him to agitate the same in accordance with law.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date:20-07-2017

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