

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.18128 of 2017

ORDER:

Heard the learned counsel for the petitioners, learned Standing Counsel for 5th respondent and counsel for the implead parties.

2. Though the present writ petition is filed challenging the proceedings dated 25-11-2016, granting administrative sanction for construction of Gram Panchayat building in respect of 5th respondent-Gram Panchayat, the main controversy in the writ petition relates to the construction of the building at a particular place. It appears that Junjurupenta Gram Panchayat originally consists of 20 villages and out of 20 villages, only 8 villages are existing. It is the case of the petitioner that in a fire accident that took place in 2008, the entire village was burnt and Junjurupenta Village is not in existence and only a colony by name Junjurupenta is existing. A Gram Panchayat Office Building was constructed and is now located in Burujupalli Village coming under the Junjurupenta Gram Panchayat. When the 6th respondent is going ahead with the construction of Gram Panchayat Building in Junjurupenta Colony pursuant to the proceedings issued by the second respondent on 25-11-2016 the present writ petition was filed.

3. This Court by order dated 07-06-2017, directed the respondents not to take up the construction work of the new Gram Panchayat Building in Junjurupenta Village. Seeking vacation of the same, the 5th respondent filed WVMP No.3931 of 2017 and 6th

respondent filed WVMP No.35931 of 2017. When the matter is taken up for consideration, some members wanted to implead in WPMP No.40386 of 2017 and all the petitions are being disposed of by this order.

4. The 5th respondent submits that Junjurupenta Village is the headquarter of the Gram Panchayat and Gram Panchayat consists of 10 villages, but not 8 villages as stated by the petitioner. It is admitted that Junjurupenta Village was totally damaged in the year 2007 and the Government provided house sites and other amenities to the people. Since all Gram Panchayat Buildings were constructed in headquarters of the Gram Panchayat it was proposed to construct the Gram Panchayat Building in the Junjurupenta Village. It is also admitted that as on today, the Gram Panchayat Building is located at Burujupalli and there is no building at Junjurupenta Village. Since Gram Panchayat Building at Burujupalli became old, it is necessary to construct a new Gram Panchayat Building at Junjurupenta Village. Accordingly, a foundation stone was laid on 01-06-2017.

5. The 6th respondent stated that the existing Gram Panchayat Building is located in a small room, which is not sufficient to conduct meetings. He wanted to donate an extent of four guntas of land for construction of Gram Panchayat Building at Kaspa Junjurupenta Gram Panchayat without any compensation. The land is situated at S.No.138/E Junjurupenta Village.

6. The learned counsel for the petitioner submitted that there is no resolution by the Gram Panchayat for construction of Gram Panchayat Building at Junjurupenta village and the 6th respondent

is unilaterally going ahead with the action of constructing the Gram Panchayat building in his village pursuant to the orders issued by the second respondent on 25-11-2016.

7. Normally, this Court will not interfere with the matter relating to the location of Gram Panchayat Building when there is a proper resolution by the Gram Panchayat. In the instant case, it appears that there is no resolution of the Gram Panchayat for locating the building at a particular place though the 6th respondent came forward to donate four guntas of land, that cannot be a consideration for constructing the building in the place identified by him. It is for the Gram Panchayat to take a decision in the matter. In the circumstances, the 5th respondent is directed to convene a meeting of the Gram Panchayat and take a decision with regard to the location of the Gram Panchayat Building keeping in view the interest of the people in the Gram Panchayat. It is open to the members in the Gram Panchayat to donate any land, but it cannot be a primary consideration and the consideration should be the access to the people.

8. In the circumstances, the writ petition is disposed of directing the 5th respondent to convene a meeting of the Gram Panchayat as expeditiously as possible and take a decision with regard to the location of the Gram Panchayat and if any party is aggrieved with the same, it is open to the said party to approach the second respondent. Till a decision is taken by the Gram Panchayat, the construction of Gram Panchayat Building shall not be undertaken.

9. With the above observation, the writ petition is disposed of.

No costs.

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

JUSTICE A. RAMALINGESWARA RAO

Date:10-10-2017

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