

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37431 of 2017

ORDER:

The submission of the writ petitioner in this petition, under Article 226 of the Constitution of India, is that the action of respondents 4 and 5 in issuing Gazette Notification and conducting drawl of lots on 23.10.2017 for issuance of licences in the names of individuals against Grama Sabha's resolution, whereby Grama Sabha resolved that licences shall be granted to the society, is illegal and arbitrary and that the proposed action of respondents 4 and 5 is against the provisions of the Andhra Pradesh Panchayats Extension to Scheduled Areas (PESA) Rules, 2011 (for brevity "the PESA Rules").

2. Learned counsel for the petitioner would submit that though the petitioner has not applied for grant of licence, he being the Vice President of the Grama Sabha, is entitled to question the action of the respondents; he would further submit that if any person is aggrieved of the resolution of the Grama Sabha, he has a remedy of appeal and review under Rule 9 of the Rules and, therefore, the Writ Petition filed by the petitioner is maintainable.

3. Though the learned Government Pleader submitted forcefully that since the petitioner is not an applicant, he has no *locus standi*, in view of facts of the case and submissions of learned counsel for the petitioner, this Court is not convinced with the submissions of learned Government Pleader. However, the learned Government Pleader submits that only a Gazette Notification has been issued, and thereafter, no licences have been granted to any

individual; and, that the respondents would follow the PESA Rules; and that any licence would be granted only after the Grama Sabha passes a resolution, in accordance with the provisions of the PESA Rules.

4. Recording the submissions, the Writ Petition is disposed of directing the respondents not to grant any licence in the subject village for any shop, without following the PESA Rules and without the resolution of the Grama Sabha, as envisaged under the PESA Rules.

As a sequel, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

NOVEMBER 08, 2017
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M.SEETHARAMA MURTI, J



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Date: 08.11.2017

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