

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.42748 OF 2017

ORDER:

This writ petition is filed challenging the action of the 2nd respondent in issuing the proceedings dated 09-12-2017 granting permission for construction of Grampanchayat building at Junjurupenta, Thamballapalli Mandal, Chittoor District.

Heard learned counsel for the petitioner and learned Standing Counsel for the 6th respondent and learned Assistant Government Pleader for Panchayat Raj.

A perusal of the impugned proceedings goes to show that basing on the orders passed by this Court in WP.No.18128 of 2017, the 5th respondent convened a meeting on 20-11-2017 and out of eight members, seven members attended the meeting and out of seven members, four members opposed for construction of Grampanchayath building at Junjurapenta and three of them supported the resolution. The 2nd respondent issued the impugned proceedings on the ground that the Grampanchayat has passed resolution, wherein four persons opposed and four persons voted in favour of construction of Junjurupenta Grampanchayat and as per Rule 6 of Rules regarding proceedings of Gram Panchayats and Committees thereof in G.O.Ms.No.227, dated 13-04-1995, the Presiding Member shall exercise a second or casting votes. Though learned counsel for the

petitioner says that Sarpanch has no power to vote, as per Section 14(7) of A.P.Panchayat Raj Act the Sarpanch shall be an ex-officio member of the Grampanchayat and shall be entitled to vote at meetings of the Grampanchayat. By taking into account all the above, the 2nd respondent has issued the impugned proceedings.

Rule 6 of Rules regarding proceedings of Gram Panchayats and Committees thereof in G.O.Ms.No.227, dated 13-04-1995 reads as under:

“ Every question which comes before a Gram Panchayat at any meeting shall be decided by majority of the members present and voting at the meeting and in case of equality of votes, the presiding member shall have an exercise a second or casting votes. When a resolution is not carried unanimously, the names of the members who vote for and against it shall be recorded.”

More so, the funds are sanctioned by 2nd respondent-the District Collector under MGNREGS for construction of Grampanchayat building. Learned counsel for the petitioner relied on a decision of **Eguvakammakandriga Gram Panchayat v. The District Collector**¹, wherein it is held that “the relevant provisions confer power on the Grampanchayat and Gramasabha only as regards administration of funds of the Grampanchayat, the 1st respondent who has released the necessary funds, has not only the power, but also the duty to ensure that the funds are spent in accordance with the relevant

¹ 2003(6) ALT 89

provisions.” But in this case, funds are sanctioned by the 2nd respondent-District Collector for construction of Grampanchayat building at junjurupenta.

In view of the above, I am not inclined to interfere with the impugned order and I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

18-12-2017
Nvl

A.RAJASHEKER REDDY,J







