

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1818 of 2018

ORDER:

This Writ Petition is filed seeking the following relief:

“....to issue a writ, order or direction more particularly one in the nature of Writ of “Mandamus” declaring action of the respondents in seeking to proceed with bifurcation of the Tallapally Grampanchayat as contrary to law and unconstitutional and consequently direct the respondents not to go ahead with the bifurcation of the Tallapally Grampanchayat in the interests of justice and also declare the action of the respondents in not disposing of the representation of the petitioner dated 17.01.2018 as illegal, arbitrary, unjust, contrary to Rules and contrary to Article 14 of the Constitution of India and consequently direct the respondents to consider and dispose of the representation of the petitioner dated 17.01.2018 and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2) It is the contention of the learned counsel for the petitioner that the respondents without following the procedure, as contemplated under the Panchayat Raj Act and the Rules made thereunder, particularly the Rules made under G.O.Ms.No.542, dated 03.12.2007, are taking steps to bifurcate the Tallapally Grampanchayat. He would elaborately taken this Court through the procedure delineated in G.O.Ms.No.542 and submits that steps would have been taken after satisfying the rules.

3) Learned Government Pleader for Panchayat Raj has placed before this Court the written instructions received from the District Panchayat Officer, Ranga Reddy District, which reads as under:-

“In this connection, it is submitted that, the Commissioner, Pachayat Raj & Rural Employment, Telangana, Hyderabad vide their Lr.No.6021/CPR & RE/D1/2017, dt.17.01.2018 has informed the District Collectors that, the State Government is contemplating to take up the formation of New Gram panchayats in the State. It is

proposed to adopt the following broad criteria to form the new Gram Panchayats.

- 1) All Tribal Thandas / Gudems / Gumpus / Habitations with a population of 500 & above and located at 2 Km (more than 1.5 Kms will be rounded to 2 Kms) or more distance from the existing Gram Panchayat Head quarter may be formed as a new Gram Panchayat. Other nearby habitations may be grouped with it as per convenience.
- 2) Only in exceptional cases like far-off habitations from both the existing Gram Panchayats headquarters and the proposed new Gram Panchayat headquarters and where natural barriers like hills, rivers, etc., makes them inaccessible, even with a population of less than 500 and with a minimum population of 300 may be proposed as new Gram Panchayat. Such Gram Panchayat may be single habitation or may be cluster of habitations.
- 3) Name of the proposed Gram Panchayat shall be the name of the habitation with highest population or centrally located one if more than one habitations are proposed.”

Further, the Commissioner, Panchayat Raj & Rural Employment, Telangana, Hyderabad has requested the District Collectors to send the information of proposed Gram Panchayats in the given proformas for taking necessary action before 25.01.2018.

In view of the above, it is submitted that, the proposals and information are called for, from Ground level to enable to submit the proposals and information to the Commissioner, Panchayat Raj & Employment, Telangana, Hyderabad which is under process.

4) In the light of the clear written instructions, wherein no steps are being taken for bifurcating the Gram Panchayat, the Writ Petition is appeared to have been filed without there being any factual basis. In those circumstances, recording the written instructions submitted by the District Panchayat Officer, Ranga Reddy District, the Writ Petition is closed. No costs.

5) Consequently, Miscellaneous Petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J.

Date: 24.01.2018.