

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29768 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

2. The petitioner states that he is a resident of 22nd Ward, Mahabubnagar Town and District. He completed Post Graduation and Computer training course. He is an un-employed Graduate. He came to know that the respondents invited applications for establishment of Mee Seva Centres in Mahabubnagar Town and accordingly, he submitted an application on 22.01.2016 for allotting Mee Seva Centre in his favour. The 4th respondent issued proceedings on 17.11.2016 by sanctioning eleven (11) Mee Seva centres in Mahabubnagar Town and other villages and in the said list, the name of the petitioner was shown at Sl.No.6. The 7th respondent was directed to issue instructions to the District Executive, Mahabubnagar, to execute the agreement in order to start functioning of Mee Seva centres within three months. The petitioner set up infrastructure required for that purpose and took a Demand Draft for Rs.28,850/- on 28.12.2016 in favour of 7th respondent. The petitioner entered into an agreement with the 7th respondent and it is valid from 23.01.2017 to 22.01.2018 and he has been running the centre since 23.01.2017. After sanction of Mee Seva centres, the 1st respondent issued guidelines on 28.12.2016 for uniform procedure for sanction of new Mee Seva centres in all the Districts in the State. However, the 4th respondent passed an endorsement on 10.04.2017 cancelling allotment in favour of the petitioner by stating that the allotment took place without a report from the concerned Revenue Divisional Officer/Tahsildar. The petitioner states that he is

not aware of the necessity of such report and since allotment took place, he has been operating Mee Seva Centre. Challenging the order of the 4th respondent, dated 10.04.2017, the present Writ Petition is filed.

3. The 3rd respondent filed counter-affidavit stating that Mee Seva centre was allotted to the petitioner at Ward No.22, without proper verification and without enquiry report from the concerned Tahsildar/Revenue Divisional Officer. Since the guidelines, dated 28.12.2016 provides for cancellation of such centres, an endorsement was passed on 10.04.2017 by the 4th respondent. The request of the petitioner cannot be considered as the guidelines contained in Government Memo, dated 28.12.2016 have to be followed.

4. The 5th respondent also filed separate counter-affidavit on the direction of this Court. The counter-affidavit filed by the 3rd respondent does not disclose clearly whether a report was submitted by the Tahsildar or by himself before issuing allotment of centre in favour of the petitioner on 17.11.2016. Now, it is clearly noticed that no report was sent as proceedings were already issued by the Joint Collector on 17.11.2016.

5. There is no dispute that the required report regarding feasibility of establishment of Mee Seva centre in Ward No.22 was not submitted to the Joint Collector before taking action. The said lapse was noticed now and an endorsement was passed on 10.04.2017. In the meanwhile, the Government issued guidelines in Memo, dated 28.12.2016 for sanction of new Mee Seva centre in all the Districts in the State. In view of lapse already occurred, the impugned endorsement, dated 10.04.2017 is set aside and the matter is remanded to the 3rd respondent for consideration of case of the petitioner for

establishment of Mee Seva centre at Ward No.22 of Mahabubnagar Town, by following the guidelines issued in Memo, dated 28.12.2016, and passing appropriate orders within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is allowed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

MARCH 12, 2018
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Date: 12.03.2018

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