

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4496 of 2018

ORDER:

The grievance of the petitioner is that though he submitted representation, dated 21.08.2017, to respondent No.3-District Collector, West Godavari at Eluru and got issued legal notice, dated 09.11.2017 to respondent No.2-Commissioner of Panchayat Raj, Suryaraopet, Vijayawada, mentioning various resolutions passed by respondent No.9 - Kuppanapudi Gram Panchayat from time to time, no action has been taken thereon.

Learned counsel for the petitioner submits that respondent No.9 had not implemented the resolutions passed from time to time and superior authorities particularly respondent No.6 are not ensuring due implementation of the same which is causing inconvenience to the public at large. Keeping in view the duty cast on the Government/Commissioner, the petitioner had got issued a legal notice to respondent No.2 elaborately setting out the resolutions passed by respondent No.9 and the effect of non-implementation thereof. But, no action has been taken till today. Learned counsel further submits that in terms of Section 248 of the Panchayat Raj Act, there is a duty cast on the Commissioner to ensure implementation of the just resolutions passed by the Gram Panchayat.

Learned Government Pleader for Panchayat Raj submits that the writ petition may be disposed of with a direction to the

respondent authorities to act on the representation of the petitioner.

Sub-sections (1) and (2) of Section 248 of the Act read as under:

“ Section 248. **Power of Government to issue directions:** (1) Notwithstanding anything contained in this Act, it shall be competent for the Commissioner or the Government to issue such directions as they may consider necessary to the Executive Authority, Mandal Parishad Development Officer or the Chief Executive Authority for the proper working of the Gram Panchayat, Mandal Parishad, or as the case may be, the Zilla Parishad or for the implementation of the resolutions thereof and the Executive Authority, Mandal Parishad Development Officer or as the case may be, the Chief Executive Authority shall implement those directions, failing which, he shall be liable for disciplinary action under the relevant rules.

(2) The Sarpanch of the Gram Panchayat, the President of the Mandal Parishad or as the case may be, the Chairperson of the Zilla Parishad shall ensure that the Executive Authority, Mandal Parishad Development Officer or as the case may be, the Chief Executive Authority implements the directions issued by the Government under sub-section (1) and shall not do anything in derogation to the directions of the Government aforesaid. The Sarpanch, the President or the Chairperson who contravenes the provisions of this section shall be deemed to have wilfully omitted or refused to carry out the orders of the Government for the proper working of the Gram Panchayat, Mandal Parishad or as the case may be, the Zilla Parishad within the meaning of Section 249.”

From a perusal of the above provision, it is clear, there is a duty cast on the Commissioner to ensure implementation of the resolutions passed by the Gram Panchayat from time to time.

In those circumstances, respondent No.2 shall examine the grievance of the petitioner, as set out in the legal notice, dated 09.11.2017, treating it as a representation, and take necessary steps to redress his grievance, in terms of Section 248 of the Act, within a period of 12 weeks from the date of receipt of a copy of this order.

Subject to the above, the writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:14.02.2018

kdl

CHALLA KODANDA RAM, J



