

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.1265 OF 2017

ORDER:

Heard the learned Counsel for the petitioners and Sri Ravi Chimalapati, learned Standing Counsel for respondent No.3 – Gram Panchayat.

The proposed conversion of Hindu Burial Ground into fish tank, and location of Solid Waste Management Unit, is under challenge in this Writ Petition.

Petitioners herein claim to be villagers of Somaraju Illendraparru Village, Penumantra Mandal and Pali Village of Attili Mandal in West Godavari District. Respondent No.3 – Gram Panchayat, in its Gram Sabha meeting held on 03.10.2015, passed a resolution, resolving to utilize an extent of Ac.1.29 cents in R.S.No.140 of Pali Village, which is a burial ground, for the purpose of digging a fish tank, and for the location of Solid Waste Management Unit. It was further resolved to request the District Collector for granting permission. It is also brought to the notice of this Court that the petitioners herein got issued a legal notice to the respondent – authorities, including the District Collector, complaining against the action of respondent No.3 – Gram Panchayat.

It is submitted by the learned counsel for the petitioners that Gram Panchayat has no power, under Section 58(1) and (2) of the A.P. Panchayat Raj Act, 1994 and, in fact, it is the duty of the Gram Panchayat to safeguard the existing burial

ground in view of guidelines issued vide G.O.Ms.No.1235 Revenue (Assignment – I) Department dated 25.10.2008 and G.O.Ms.No.715 Revenue (Assignment – I) Department dated 16.07.2009.

In fact, a counter affidavit is filed, deposed by the Secretary of Pali Gram Panchayat, stating that the Gram Panchayat would definitely take steps i.e. taking permission from the concerned authorities. It is further made clear that, till the District Collector takes a decision, respondent No.3 – Gram Panchayat would not proceed further with the proposed activity.

Since the issue, as pointed out in the said legal notice, is pending before the District Collector, and since respondent No.3 – Gram Panchayat resolved to request the District Collector for necessary permission, this Court deems it appropriate to dispose of the Writ Petition with a direction to the District Collector to look into the contents of legal notice dated 07.01.2016 sent by the petitioner herein while dealing with the Gram Sabha resolution dated 03.10.2015 passed by respondent No.3 – Gram Panchayat.

The Writ Petition is, accordingly, disposed of. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.V.SESHA SAI,J

Date:11.04.2018
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