

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24864 OF 2017

ORDER :

Heard learned counsel for the petitioner as well as learned Standing Counsel for the gram panchayat Sri G. Narender Reddy and learned Government Pleader for Panchayat Raj.

The case of the petitioner is that himself along with other villagers made several representations to the respondents requesting to separate their village viz. Gopaiahpalli from Palitham Gram Panchayat and formulate a new panchayat as the said villagers, for each and every work, had to go to Palitham Gram Panchayat, which is five K.Ms. away from their village. The 5th respondent Panchayat Secretary had also convened a grama sabha on 23.07.2008, wherein it was resolved that the villagers of Palitham have no objection for formation of a separate gram panchayat for Gopaiahpalli Village. Subsequently, the panchayat officials have issued letters to the District Collector, Karimnagar requesting for formation of Gopaiahpalli Gram Panchayat. It is stated that though the erstwhile Government of Andhra Pradesh issued G.O.Ms. No. 232 dated 18.04.1995 considering formation of gram panchayat, subject to the conditions specified therein and despite fulfilling the same, the respondents have not taken any action. Hence, the petitioner and others filed Writ Petition No. 38436 of 2015 which was disposed of by this Court on 26.11.2015 with a direction to Respondents 1 and 2 therein to consider creation of new gram panchayat for Gopaiahpalli Village and take a decision and communicate the same to the petitioners within a period of three months from the date of receipt of a copy of that

order. But, so far, no action has been taken by the respondents. Hence, seeking the identical relief, this Writ Petition has been filed.

Learned counsel for the petitioner submits that since the date of passing the order in Writ Petition No. 38436 of 2015, the petitioner, in all good faith, has been waiting that the respondents would implement the order, and since the contempt proceedings, for non-implementation of the order dated 26.11.2015, cannot be filed at this belated stage, the petitioner has again knocked the doors of this Court.

Though this Writ Petition came up for admission on 28.07.2017, notice was ordered on 22.08.2017. Thereafter, it was listed on 03.10.2017. So far, no counter-affidavit has been filed by the respondents. However, learned Government Pleader has placed on record the brief note received from the District Panchayat Officer, Peddapalli, wherein it was asserted that as a matter of fact, the Sarpanch and Panchayat Secretary, Palitham Gram Panchayat had submitted, through their letter dated 16.03.2017, that during the meeting held on 28.01.2017, majority members of the Gram Panchayat, Palitham have rejected the proposal for creating Gopaiahpalli as separate Gram Panchayat. Hence, the question of considering the petitioner's request, at this point of time, does not arise. The learned Government Pleader also submits that the Telangana Panchayat Raj Act, 1994 has been repealed and a new enactment i.e. the Telangana Panchayat Raj Act, 2018 has come into force with effect from 29.03.2018. In view of the same, the relief, which the petitioner sought now, cannot be granted, as new procedure is in vogue.

As submitted by the learned Government Pleader for Panchayat Raj, in view of the new enactment, even pending cases will have to be considered only in accordance therewith. Hence, without going deep into the matter, the Writ Petition is disposed of giving liberty to the petitioner, who seeks formation of new gram panchayat, to take necessary steps in accordance with the 2018 Act. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

24th April 2018

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CHALLA KODANDA RAM, J