

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14624 of 2017

ORDER:

This Writ Petition is filed questioning the action of respondents 2 to 5 in not constructing newly sanctioned Gram Panchayat building in the place of existing Gram Panchayat building situated at Thirumalayapalem Village and Mandal, Khammam District, without there being any resolution by the Gram Panchayat and in spite of petitioner's representations, dated 21.03.2017, 27.03.2017 and 04.04.2017.

Learned counsel for the petitioner submits that though the Gram Panchayat had resolved to construct a new building in the place of existing Gram Panchayat, the authorities of the Gram Panchayat are making efforts to construct a building for the Gram Panchayat not at the existing site admeasuring Ac.0.15 guntas situated in the middle of the town but outside the town and the same would cause inconvenience to the public and that the petitioner had filed aforesaid representations to that effect.

Learned Standing Counsel for Thirumalayapalem Gram Panchayat and learned Government Pleader for Panchayat Raj submit that the Writ Petition seeking the relief of this nature is

not maintainable as it would be within the wisdom of the respondent authorities to construct a building for the Gram Panchayat and that the only allegation of the petitioner is, there would not be inconvenience to the public, and thereby, pray for dismissal of the Writ Petition.

It is to be noted that though the grievance of the petitioner is that the authorities of the Gram Panchayat are proposing to construct Gram Panchayat building not at the place where the present Gram Panchayat is located, he has not placed before this Court any material to show whether any decision has been taken by the Gram Panchayat or any other authority to that effect. In other words, the Writ Petition is filed on mere apprehension and without there being any concrete material. Further, even assuming that the executive body of the Gram Panchayat had decided to construct a building for Gram Panchayat at a place other than the existing location, unless there is arbitrariness or *mala fides* in such decision, the same cannot be questioned or interfered with by this Court in exercise of its discretionary power under Article 226 of the Constitution of India.

In those circumstances, the relief claimed in the Writ Petition is misconceived and the Writ Petition is dismissed.

However, dismissal of the Writ Petition shall not be construed as the respondent Gram Panchayat had not considered the relevant factors before taking a decision for construction of a new Gram Panchayat building.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

17th APRIL, 2018.

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