

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.24047 OF 2011

ORDER:

Heard Sri L.Sudheer, learned counsel for the petitioner and Sri G.Seshadri, learned Standing Counsel for the Gram Panchayat. This Writ Petition is filed to declare the action of the District Panchayat Officer, in issuing proceedings in August, 2011 without taking into consideration the objections raised by the petitioner-association members, as illegal, arbitrary and unconstitutional; and for a consequential direction to the respondents not to proceed with the proposal, of the fourth respondent, to change the name of the petitioners colony as Sola Viswanatham S.C. Colony instead of Babu Jagjeevan Ram S.C. Colony.

It is the case of the petitioner-the Secretary of the Welfare Association of the said Colony - that the colony's name of Babu Jagjeevan Ram S.C. Colony was subjected to change, and was named as Sola Viswanatham S.C.Colony, the grand father of then Sarpanch. Sri L.Sudheer, learned counsel for the petitioner, would submit that the name of the Colony was changed without complying with the procedure prescribed in the Rules notified in G.O.Ms.No.74 Panchayat Raj and Rural Development (Rules) dated 29.02.2000.

In his proceedings dated -.08.2011, the District Panchayat Officer, Krishna observed that the Gram Panchayat had to take action as prescribed in G.O.Ms.No.74 dated 29.02.2000. However, he permitted the Gram Panchayat to complete the remaining work relating to the arch, containing the name of Sri Sola Viswanatham, as per the resolution passed by the Gram Panchayat in the Grama

Sabha, and under the powers conferred on the Gram Panchayat under Section 126 of the A.P. Panchayat Raj Act, 1994 (“the Act” for brevity).

Section 126 of the Act prescribes the power to name streets, and number buildings. Under sub-Section (1) thereof, the gram panchayat may, in the manner prescribed, cause a name to be given to any street, and shall cause a number to be affixed to the side or outer door of any building or to some place at the entrance of such building, and in a like manner, may, from time to time, cause such name or number to be altered. In the exercise of the powers conferred by Section 126(1) of the Act, and in supercession of the Rules made earlier in G.O.Ms.No.215 Panchayat Raj Department dated 04.03.1965, the A.P. Gram Panchayat (Power of naming of streets and numbering the buildings) Rules, 2000 was made and notified in G.O.Ms.No.74 dated 29.02.2000. Rule 2 thereof relates to naming of streets. Rule 2(1) stipulates that every Gram Panchayat may cause a name to be given to any street in its limits, and publish such names at three conspicuous places in the village for eliciting public opinion before a specified date, not being less than 30 (thirty) days from the date of such publication. Rule 2(2) stipulates that the objections or suggestions, if any, received from the public, on or before such date, shall be considered by the gram Panchayat before the name is approved. Rule 2(3) provides that the name, given to each street, shall be exhibited conspicuously at the beginning, and at the end of each street.

As noted hereinabove, Rule 2(1) requires the Gram Panchayat to cause a name to be given to any street in its limits, and publish such name at three conspicuous places in the village

for eliciting public opinion before a specified date, not being less than 30 days from the date of such publication. The Gram Panchayat is, therefore, required to receive objections or suggestions from the public, and to consider such objections, before the name/change in name is approved. While the petitioner alleges that no publication was caused by the Colony to change the name in three conspicuous places in the village for eliciting public opinion, and that no objections were called for the proposed change in name, thereby violating Rule 2(2) of the Rules, no counter affidavit is filed by the respondents; and, as such, the allegations in the Writ Petition stand un rebutted. Even the letter of the District Panchayat Officer dated -.08.2011 only refers to the Rules notified in G.O.Ms.No.74 dated 29.02.2000. It is not even stated, in the said letter, that the said rules have been complied with.

Any change in name, without complying with the procedure prescribed in the Rules, is illegal. Consequently, the change in the name of the subject colony from Babu Jagjeevan Ram S.C. Colony to Sola Viswanatham S.C. Colony is illegal, and is therefore set aside. It is made clear that this order shall not disable the Gram Panchayat from complying with the Rules, notified in G.O.Ms.No.74 dated 29.02.2000, and thereafter to change the name of the colony.

The Writ Petition stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

27th April 2018
RRB