

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.6849 of 2012

ORDER:

The relief sought for in this Writ Petition is to declare the proceedings of the District Collector, Mahaboobnagar (respondent No.1) dated 31.12.2011, the Grama Sabha resolution of Uttanur Gram Panchayat dated 20.01.2012, and the work started information letter dated 20.01.2012, issued by the Executive Engineer, as illegal, arbitrary and in violation of Section 16 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

By proceedings dated 31.12.2011, the District Collector, Mahaboobnagar, accorded administrative sanction of Rs.28.50 lakhs under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) for laying road under 'Rural Connectivity Programme' for the year 2011-2012. Pursuant thereto, the Grama Sabha passed a resolution on 20.01.2012 forming the Village Development Committee for execution of the said work; and, thereafter, work started information letter dated 20.01.2012 was issued by the Executive Engineer to the Gram Panchayat Secretary, Uttanur Gram Panchayat questioning which, the petitioner invoked the jurisdiction of this Court.

Respondent No.7, to whom the subject work was entrusted, filed a counter affidavit on 24.06.2012, stating that he commenced the work immediately after receiving work order; nearly 90% of the work was completed; the Deputy

Executive Engineer, PRI Sub-Division, Manopad had recorded details of the extent of the work completed in MB Book No.A/12/2011-12, and had paid them an amount of Rs.9,69,319/-; subsequent work was also recorded in the MB Book; Rs.12,31,492/- is yet to be billed and paid; without even waiting for the second bill amount, sufficient material, as required, was dumped to complete the left over work within one month; and the value of the left over work was only Rs.6,49,189/-. In proof of having executed work, the 7th filed a certificate of work status issued by the concerned Engineers. No reply affidavit has been filed by the official respondents denying the averments in the counter affidavit filed by respondent No.7.

It is evident, from the counter affidavit of respondent No.7, that 90% of work has been completed even before 24.06.2012, and a small portion of work, for Rs.6,49,189/-, remained to be executed by then. Nearly six years have elapsed since the counter affidavit was filed by respondent No.7 on 24.06.2012. As no interim order was granted, during the pendency of the Writ Petition, the subject work must have been completed long ago. It is evident, therefore, that the cause in this Writ Petition does not survive, necessitating any further adjudication by this Court and that the Writ Petition has been rendered infructuous.

The Writ Petition fails and is, accordingly, dismissed as infructuous. Miscellaneous Petitions pending, if any, shall

also stand dismissed. However, in the circumstances, without costs.

RAMESH RANGANATHAN, ACJ

Date: 22.06.2018
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