

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.34911 OF 2018

Date: 24.10.2018

Between:

Standard Enterprisers, rep.by its Proprietor,
Kothamasu Gajapathi Mohan Rao,
s/o. Seetharamaiah, Aged 59 years,
Occu: Business, r/o. Gopalrao Street,
Addanki town and Mandal, Prakasam district.

.....Petitioner

and

State of Andhra Pradesh, rep.by its Principal
Secretary to Government, Panchayat Raj and
Rural Development Department, Secretariat,
Velagapudi, Amaravathi, Guntur district and
others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner herein instituted O.S.No.23 of 2001 on the file of Court of Senior Civil Judge at Addanki for recovery of 6,66,433.25 Ps., from the defendant-Gram Panchayat. By judgment dated 18.03.2011, suit was decreed. Seeking enforcement of decree, petitioner filed E.P.No.50/2015, which was allowed on 06.10.2015. Civil Revision Petition Nos.5307 and 5325 of 2015 filed by the respondent-Gram Panchayat were dismissed by common order dated 05.02.2016. Petitioner earlier filed E.A.No.192 of 2017 praying to credit the amount to E.P., which was allowed on 07.09.2017. However, Gram Panchayat objected to the order passed contending that Extension Officer has to put his signature. Petitioner would submit that in view of the said objection, petitioner filed E.A.No.54 of 2018 seeking direction to the Extension Officer of Panchayat Raj and Rural Development Department for issuance of cheque for amount of 19,80,251/- through online process with intimation to Sub-Treasury Officer, Martur. The E.A.No.54 of 2018 was allowed by order dated 17.07.2018 directing the respondents 1 to 3 therein to process issuance of cheque as per their procedure prescribed under their Rules and submit the same to the Court as prayed for. This writ petition is filed seeking mandamus declaring the action of respondents, particularly respondents 4 to 6 in not taking steps for withdrawal of decretal amount from the office of 7th respondent for depositing to the credit of E.P.No.60 of 2015 in O.S.No.23 of 2001 as illegal and violative of provisions of Andhra Pradesh Panchayat Raj Act, 1994.

2. In other words, petitioner is seeking enforcement of order passed by the competent Civil Court in E.A.No.54 of 2018.

3. This writ petition is filed under Article 226 of the Constitution of India seeking implementation of order passed by the competent Civil Court. Under Article 226 of the Constitution of India, writ petition is entertained when there is no other alternative efficacious remedy for enforcement of right vested in a person. In the instant case, in E.A.No.54 of 2018 orders were passed by the Court of Senior Civil Judge. The said Court has ample powers to enforce directions issued in E.A.No.54 of 2018. Further, if the competent Civil Court has not taken steps to enforce compliance of its orders, even if petitioner apprises the Court of non-compliance of its order, petitioner is not remediless. It is also appropriate to note that the directions were issued only on 17.07.2018 and, therefore, it cannot be said as inordinate delay. Therefore, this Court is not inclined to entertain the writ petition filed under Article 226 of the Constitution of India. Leaving it open to petitioner to work out his remedy as available in law, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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