

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.39240 OF 2018

Dated 9th November 2018

Between:

1. S.V.Ramana, S/o.Pedda Appala Naidu
and four others.

...Petitioners

And

1. State of Andhra Pradesh, rep.by its Principal Secretary,
Panchayat Raj and Rural Development Department, Amaravathi, at
Velagapudi, Guntur District, A.P. State and eight others.

...Respondents

The Court made the following:



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ORDER:

Petitioners claim to be the residents of Polepalli Village, Butchiyyapeta Mandal, Visakhapatnam District. Petitioners are challenging the orders dated 22.09.2018 passed by the Project Director, District Water Management Agency (DWMA), Visakhapatnam, the fifth respondent herein, sanctioning certain civil works in their village. Primarily, the allegation is that even without resolution passed by the Grama Sabha, proposals are made to the Project Director and works were sanctioned. The sanctioned works are not necessary and wherever there is requirement, works were not sanctioned and therefore, it would amount to arbitrary decisions made by the competent authorities without following the due process. Reliance is placed on Section 6 of the Panchayat Raj Act, 1994 ("the Act" for brevity) in support of the contention that it is mandatory to hold Grama Sabha for consideration of any development activity and with the prior approval of the Grama Sabha, the proposals can be made for taking all civil works in the village but no Grama Sabha was held.

2. When the matter was considered by this Court on 05.11.2018, learned Standing Counsel would inform the Court that on 21.08.2018 and 23.08.2018, resolutions were passed and in proof of the same, photo copies were produced. This Court directed for production of original registers where the resolutions were recorded. Today, learned Standing Counsel produced two separate Registers, one dealing with the resolutions passed by the Grama Sabha. Reading of the same would show that on

21.08.2018, meeting of Gram Sabha was held and certain resolutions were proposed for consideration by the Grama Sabha including certain works in the impugned order. The Grama Sabha passed the said resolution. The Register contains the signatures of the Village President and elders of the Village. Learned Standing Counsel also produced another Register containing resolutions of the Gram Pranchayat where decisions were taken to undertake civil works in the village. Thus, the contention of the learned counsel for the petitioners that there was no prior resolution of Grama Sabha before sanctioning the civil works is invalid.

3. At this stage, learned counsel for the petitioners submits that detailed representations were made to various authorities including the Principal Secretary to the Government and the representation made to the Principal Secretary to the Government may be treated as petition under Section 264 of the Act for consideration by the Government.

4. Having regard to this, the Writ Petition is disposed of directing the Principal Secretary, Panchayat Raj Department, Andhra Pradesh to examine the claim of the petitioners, as ventilated in their representation dated 10.10.2018, if the same is already received and take appropriation decision, as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

9th November 2018
RRB