

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.42639 OF 2018

Date:28.11.2018

Between:

Nalam Hari Prasadarao,
S/o. Balagurunanda Rao,
Aged about 60 years, Occ: Business,
R/o.D.No.7-10-22, Padmanabhunivari
Veedhi, Ganganammapeta, Tenali,
Guntur District

.. Petitioner

And

The 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:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.42639 OF 2018****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj appearing for respondents 1 to 3 and Sri G. Seshadri, learned Standing Counsel for Gram Panchayat appearing for respondent No.4. With the consent of all the parties, the Writ Petition is disposed of.

2. Permission applied by petitioner for establishing Poly Packs Polythin Covers Manufacturing Industry was rejected by the Gram Panchayat in its resolution dated 12.04.2013 communicated to the petitioner by the Gram Panchayat vide its proceedings dated 25.10.2018. Aggrieved thereby, the petitioner preferred appeal to the District Panchayat Officer. Petitioner earlier filed W.P.No.12948 of 2018 alleging inaction in considering the application for grant of permission to establish the said industry.

3. When the matter was taken up, learned Standing Counsel for respondent No.4 informs the Court that on 12.04.2013 resolution was passed by the Gram Panchayat rejecting the request for grant of permission and the said Writ Petition was disposed of granting liberty to the petitioner. Petitioner preferred appeal on 23.05.2018 to the District Panchayat Officer against the decision of the Gram Panchayat rejecting his request. The District Panchayat Officer passed orders on 25.10.2018 affirming the decision of the Gram Panchayat.

4. A reading of the order of the District Panchayat Officer would show that after appeal was preferred by the petitioner, the District Panchayat Officer called for information from the Panchayat Secretary, Special Officer of the Gram Panchayat, conducted field inspection, received objections and submitted his report. Taking note of the report of the Special Officer, the appeal preferred by the petitioner was rejected. It appears from a reading of the order of the District Panchayat Officer that the material collected by him during the pendency of the appeal was not furnished to the petitioner, but his decision was based on the said material. *Ex facie*, such action is illegal and cannot be sustained.

5. Learned Standing Counsel does not dispute, from a reading of the order, that opportunity was not afforded to the petitioner before taking such decision by placing reliance on the material supplied to the District Panchayat Officer.

6. Having regard to the same, without expressing any opinion on the merits of the case, the Writ Petition is allowed and the order of the District Panchayat Officer is set aside. The matter is remitted to the District Panchayat Officer for consideration afresh. He shall supply all the documents which were obtained by him during the pendency of the appeal within one week from the date of receipt of a copy of the order. It is open to the petitioner to file additional grounds. On due consideration of the grounds already urged and the additional grounds, if any raised by the petitioner, the appellate authority shall pass orders assigning reasons in support of the decision within a further period of three weeks from the date of receipt of objections. Petitioner shall file objections

within one week from the date of receipt of documents. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:28.11.2018

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