

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.13681 OF 2019

Date: 5.7.2019

Between:

Palai Srinivas

.. Petitioner

And

The Municipal Council, Narsampet,
represented through its Chairman/
Person-in-Charge, Narsampet mandal,
Warangal Rural district & others.

.. Respondents

The Court made the following:



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ORDER:

Heard learned counsel for petitioner, Sri N.Praveen Kumar, learned Standing Counsel for Respondent Municipality, and learned Government Pleader for Respondents 3 and 4 and perused material available on record.

2. It is the case of the petitioner that he is an elected Counsellor of Ward No.12 of first respondent Municipal Council and a notice dated 20.2.2019 was issued for convening council meeting on 25.2.2019. On 24.2.2019, Election Commissioner issued election notification for MLCs and therefore, in view of election code, the council meeting proposed to be held on 25.2.2019 was cancelled. Thereafter, a notice dated 15.6.2019 was issued to convene meeting on 21.6.2019. To the surprise of the petitioner, on 21.6.2019, he was informed that in the meeting held on 25.2.2019, resolutions were already passed, approving and awarding of various civil contract works to a tune of Rs.2.43 crores on nomination basis and accordingly proceedings were also drawn awarding contract works for 63 items on nomination basis.

3. Prima facie, it appears that the entire exercise is not made in accordance with procedure established under law and if the allegations are taken as true, the same would be amounting to grave illegality and siphoning of public money without following due process of law.

4. However, Section 59 of the Telangana Municipalities Act, 1965 (for short 'the Act') enables a person to make an application to the Government against any resolutions passed or decision taken by the Municipal Council and the Government will have the power to cancel or

suspend such resolutions. Since an effective alternative remedy is available to the petitioner, he could have availed the said remedy. Learned counsel for petitioner submits that as there was no resolution passed and only decision was made and under the guise of alleged illegal decision, contract works are being awarded on nomination basis, there is no other remedy available. There is no merit in the said contention. It is a decision of the council and remedy under Section 59 is available.

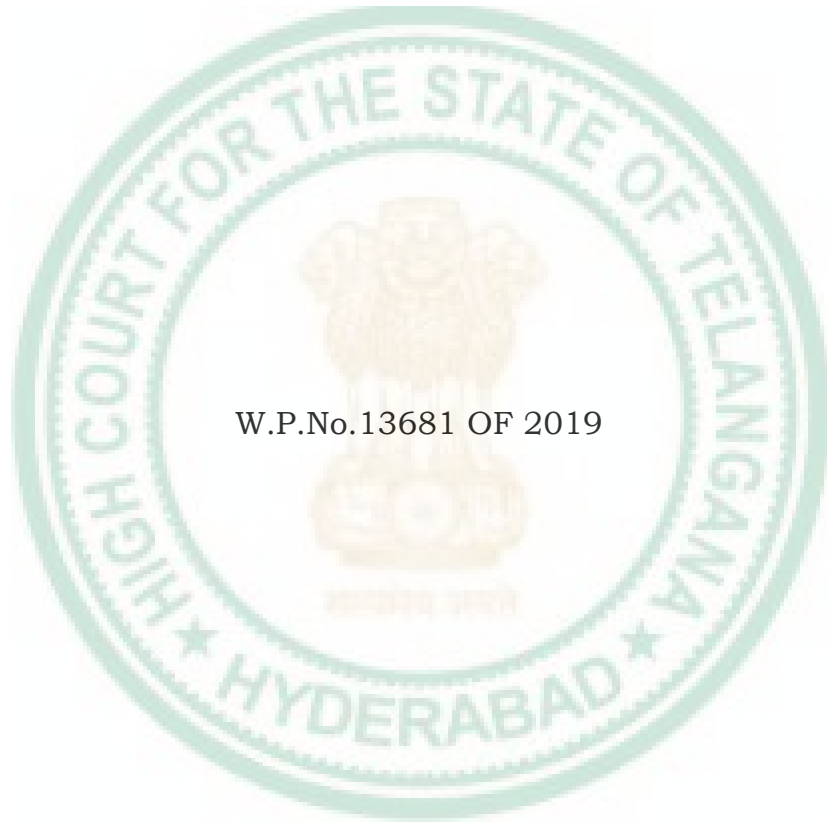
5. While granting liberty to the petitioner to avail alternative remedy as provided under Section 59 of Telangana Municipalities Act, 1965 by way of making application to the Government, the Respondents are directed not entrust works in various wards on nomination basis in purported decision of Municipal Council made in February and June, 2019 till a decision is made by the Government. This order shall operate only if the petitioner files application before the Government under Section 59 of the Act within a period of two weeks from the date of receipt of a copy of this order. On filing such application, the Government, without prejudice to any claims on the issue, shall consider the entire aspect in accordance with the provisions of Telangana Municipalities Act, 1965 and pass appropriate orders, in accordance with law.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed.

P. NAVEEN RAO, J

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DA

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