

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

WRIT PETITION No.1292 OF 2020

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the 2nd respondent Municipality.

2. The prayer sought in the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue appropriate Writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the order of the 2nd respondent in Lr.Roc.No.E1/GDL/389/2019-20 dated 23-12-2019 in rejecting my representation and further directing the petitioner to comply the Notice No.E1/1238/2019 dated 09-09-2019 and again not releasing the running bill for an amount of Rs.5,57,127/- pertaining to the work of Renovation and Coloring of dilapidated filter bed building, Generator room, Alum stock room and construction of compound wall to Krishna Filter Bed in Gadwal Municipality under 13th Finance Commission Grants (herein after referred to as present work) as illegal, arbitrary, unconstitutional, violative of Principles of Natural Justice and colourable exercise of power and consequently set aside the same and direct the respondents to release the running bill for an amount of Rs.5,57,127/- pertaining to the work of Renovation and Coloring of dilapidated filter bed building, Generator room, Alum stock room and construction of compound wall to Krishna Filter Bed in Gadwal Municipality under 13th Finance Commission Grants and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. The main grievance of the petitioner herein is that the 2nd respondent Municipality without complying with the orders passed by this Court in I.A.No.1 of 2019 in W.P.No.25758 of 2019, dated 02.12.2019, the impugned orders are passed.

4. From the perusal of the earlier orders of this Court, it is evident that the 2nd respondent is directed to consider the explanation of the petitioner, dated 16.10.2019, and take a decision within a period of one (01) week from the date of the order. Based on the said decision, the respondents are directed to take steps for releasing all the bills pertaining to the agreement, dated 29.06.2019. However, from the perusal of the impugned proceedings, dated 23.02.2019, the 2nd respondent though referred the explanation submitted by the petitioner in the reference column, there is no whisper about the explanation in the body of the impugned proceedings, leave alone on the consideration. Therefore, this order indicates the negligence and callousness of the 2nd respondent in disregarding the orders passed by the Court. Since the impugned order is passed in violation of the orders passed by this Court on 02.12.2019 in I.A.No.1 of 2019 in W.P.No.25758 of 2019, the impugned order will not withstand to the legal scrutiny and the same is liable to be set aside.

5. Accordingly, the Writ Petition is allowed and consequently the impugned orders/Lr.Roc.No.E1/GDL/389/Vigilance/2019-20, dated 23.12.2019, is set aside. The 2nd respondent is again directed to consider the representations given by the petitioner on 16.10.2019 & 03.12.2019 and pass appropriate orders as per law within a period of two (02) weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P.KESHAHA RAO, J

Date: 27th January, 2020

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