

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION NO: 28604 OF 2018

Between:

1. Angoth Seetharam Naik, S/o Angoth Valu, aged about 78 years, occ. Ex-Sarpanch,
2. Vankadavath Peethya, S/o Gobhriya, aged about 39 years, occ. Agriculture
3. Visalavath Shivaram, S/o Hanya, aged about 43 years, occ. Agriculture
4. Angoth Jayaram, S/o Mangya, aged about 30 years, occ. Agriculture,
5. Angoth Padma, D/o Salavath Chander, aged about 28 years, occ. Housewife,

(All re r/o Kongaguda village, Farooqnagar Mandal, Ranga Reddy District, erstwhile Mahabubnagar District.)

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District at Lakdikapool, Hyderabad.
3. The District Panchayat Officer, Ranga Reddy District.
4. The Revenue Divisional Officer, Shadnagar, R.R. District.
5. The Extension Officer, Panchayat Raj and Rural Development, R.R.District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent authorities in forming the Melaguda Tanda as Gram panchayat by including the Kongaguda and Colony Tanda in the recent formation of Gram panchayat without taking into consideration the population and lands as being illegal, arbitrary, and unconstitutional and consequently direct the respondent authorities to name the new gram panchayat as Kongaguda Gram panchayat instead of Melaguda Tanda by considering the representations dt. 29-1-2018.

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent authorities herein to consider and take appropriate action pursuant to the representations dt. 29-1-2018, pending disposal of the Writ Petition.

Counsel for the Petitioners: SRI. GOUNDLA VENKAT

Counsel for the Respondent Nos.1, 3 & 5:

GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

Counsel for the Respondent Nos.2 & 4: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.28604 OF 2018

ORDER:

The prayer of the petitioners in this Writ Petition is as follows:

to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent authorities in forming the Melaguda Tanda as Gram panchayat by including the Kongaguda and Colony Tanda in the recent formation of Gram panchayat without taking into consideration the population and lands as being illegal, arbitrary and unconstitutional and consequently direct the respondent authorities to name the new gram panchayat as Kongaguda Gram Panchayat instead of Melaguda Tanda by considering the representation dated 29.01.2018 and to grant such other relief or reliefs as the Hon'ble Court deems fit and proper in the circumstances of the case.

2. Heard learned counsel for the petitioners and learned Government Pleaders.

3. The case of the petitioners is that the Government had contemplated to take up the formation of new Gram Panchayats in the State with the objective of empowering the tribal and remote areas so as to ensure focused development and improve service delivery and it was proposed to adopt certain criteria, as per which all Tribal Thandas / Gudems / Gumpus / Habitations with a population of 500 and above and located at 2 KM or more distance from the existing Gram Panchayat Head Quarter may be formed as a new Gram Panchayat and that the other nearby habitations may be grouped with it as per convenience. It is their further case that in the said process of formation of new Gram Panchayat, the respondent authorities have included three tandas viz.,

Kongaguda, Melaguda and Colony Tanda and formed it as Melaguda Gram Panchayat but the fact remains that in Melaguda Tanda the population shown is 100 whereas the population of Kongaguda is 307 and apart from the above the entire lands in Sy.Nos.1 to 38 belong to Kongaguda. The respondent authorities without verifying the population and the lands within the vicinity and without inviting any objections from the Kongaguda village, have unilaterally named the new Gram Panchayat as Melaguda by forming three villages Kongaguda, Melaguda and Colony Tanda instead of Kongaguda Gram Panchayat under the pressure exerted by the political parties. As such they submitted a representation to the respondent authorities on 29.01.2018, which was not considered. Hence the Writ Petition.

4. As seen from the Annexure - I i.e. the Revised List of Newly Proposed Gram Panchayats - Ranga Reddy District, Melaguda is an existing panchayat. However, even as per the Annexure, the population of the proposed habitations are, Melaguda -100, Kongaguda - 307 and Colony Thanda - 260. Likewise, the distance from the Head Quarters to Melaguda is 3 KM whereas the distance between Kongaguda and Colony Thanda is 0.5 KM and 0.3 KM respectively. As per the said annexure itself Kongaguda is a revenue village and the entire lands in Sy.Nos.1 to 38 are existing in Kongaguda village. The claim of the petitioners is also that Kongaguda village has bus facility and road facility. Further, from the representation dated 29.01.2018 it can be seen that residents of Kongaguda Thanda have also given their land for construction of a Gram Panchayat Office in Kongaguda. In such circumstances, the proposal of the respondent authorities to name the new gram

panchayat as Melaguda instead of Kongaguda is arbitrary and against to the procedure contemplated, since all the parameters to be taken into consideration are in favour of naming the new Gram Panchayat at Kongaguda Gram Panchayat only and the nearby habitations may be grouped with it as per convenience. The population of Kongaguda is more, the extent of land in vicinity of Kongaguda is more and the distance from the head quarters to Kongaguda is also very near when compared to Melaguda. Since the petitioners have already made a representation dated 29.01.2018 in that regard, the action of the respondent authorities in not considering the same is arbitrary.

5. In that view of the matter, the Writ Petition is disposed of, directing the respondent authorities to consider the representation of the petitioners dated 29.01.2018 in a positive matter and take appropriate action as expeditiously as possible within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions if any pending shall stand closed.

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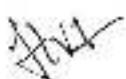
SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj and Rural Development Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District at Lakdikapool, Hyderabad.
3. The District Panchayat Officer, Ranga Reddy District.
4. The Revenue Divisional Officer, Shadnagar, R.R. District.
5. The Extension Officer, Panchayat Raj and Rural Development, R.R.District.
6. One CC to Sri Goundla Venkat, Advocate [OPUC]
7. Two CCs to GP for Panchayat Raj & Rural Development, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

CHR



HIGH COURT

DATED:01/03/2021

ORDER

W.P.No.28604 of 2018



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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19/3/21
Hvr