

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.4470 OF 2023

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“....to issue a writ order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly the 2nd to 5th Respondents in not take further action for construction of Water Tank in Sy.No.71/1A in the Backside of the Sri Sri Sri Vanuvulammathalli Temple in pursuance of the Drinking Water Project Sanctioned vide GORT No.556 dated 05.10.2020 an amount of Rs.82.18 Lakhs and in pursuance of Agreement dated 10.07.2022 as per the specification report under JALA JEEVAN MISSION as per Resolution No.33 dated 03.10.2021 Resolution No.26 Dated 29.08.2022 of the 6th respondent in Veeravallipalem Gram Panchayat in Ainveli Mandal (Erstwhile East Godavari District) Dr.B.R.Ambedkar Kona Seema District are being illegal, arbitrary and violation of principles of Fundamental Rights of Constitution of India and consequently direct the Respondents to the 2 to 5 Respondents start for construction of Water Tank in Sy.No.71/1A in the Backside of the Sri Sri Sri Vanulammathalli Temple in pursuance of the Drinking Water Project Sanctioned vide GORT No.556 dated 05.10.2020 as per the Agreement dated 10.07.2022 under JALA JEEVAN

*MISSION as per Resolution No.33 dated 03.10.2021
Resolution No.26 Dated 29.08.2022 of the 6th
respondent in Veeravallipalem Gram Panchayat in
Ainveli Mandal, (Erstwhile East Godavari District)
Dr.B.R.Ambedkar Kona Seema and pass...”*

2. The short grievance of the petitioner herein is that, in spite of passing resolution by the Gram Panchayat and handing over the land for construction of water head tank to the RWS Department, so far, the said department has not constructed the water head tank. As such, the present Writ Petition is filed.

3. Heard Sri G.Simhadri, learned counsel for petitioner, Sri N.Sri Hari, learned Standing Counsel for ZPP, MPP and Gram Panchayat and learned Assistant Government Pleader for Panchayat Raj & Rural Development.

4. Sri G.Simhadri, learned counsel for petitioner, in elaboration to what has been stated in the affidavit contended that, the Gram Panchayat has passed a resolution, thereby, decided to allot land for construction of water head tank and the land has already been handed over to the concerned department, but, the concerned department has not constructed the water head tank so far. As such, the petitioner as well as other villagers are affecting badly for want of drinking water. As such, prayed to protect the interest of the petitioner.

5. On the other hand, Sri N.Sri Hari, learned Standing Counsel, on counter submitted that, the Gram Panchayat has passed a resolution *vide* Resolution Nos.26 dated 29.08.2022 and the land has already been handed over to the concerned department, but so far, the concerned department has not commenced with the construction.

6. In reply to the same, the learned Assistant Government Pleader for Panchayat Raj & Rural Development, on written instructions dated 23.02.2023, submitted that, the Gram Panchayat might have passed a resolution but so far no proceedings handing over the land to the concerned department was done by the concerned Secretary. In view of the same, the concerned authority could not take steps for constructing the over head tanks. As such, prayed to pass appropriate orders in that regard.

7. Perused the record.

8. Taking the submissions made by both the learned counsel into consideration, it is not in dispute that the Gram Panchayat passed a resolution but there is no material placed on record either by the petitioner or by the gram panchayat with regard to sending resolution to the concerned department by the Secretary duly informing the concerned department that, a land has been allotted and requested to construct water head tank. In the absence of the

same, expecting the concerned department constructing over head tank does not arise. As such, this Court cannot direct the concerned department to construct the water head tank. However, to meet the ends of justice, this Court is inclined to dispose of the Writ Petition with the following order:

The respondent-Gram Panchayat is hereby directed to initiate steps pursuant to the resolution passed by the Gram Panchayat *vide* resolution No.26 dated 29.08.2022 in accordance with law and communicate the same to the concerned department to take the issue to a logical end and such action should be completed within a period of four (04) weeks. There shall be no order as to costs.

Consequently, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

31th August, 2023

TJN