

(1998) 10 AP CK 0073

In the Andhra Pradesh High Court

Case No : Writ Petition No. 29007 of 1998

Y.C. Sessaiah and others

APPELLANT

Vs

Government of Andhra and another

RESPONDENT

Date of Decision : 21-10-1998

Acts Referred:

Andhra Pradesh District (Formation) Act, 1974 — Section 3(1), 3(2)

Citation : (1998) 6 ALD 338 : (1998) 6 ALD 33 : (1999) 1 ALT 25

Hon'ble Judges : S.R. Nayak, J

Bench : Single Bench

Advocate : Mr. A. Ravi Babu, for the Appellant; Government Pleader for Revenue, for the Respondent

Judgement

1. Rule Nisi.

2. With the consent of the learned Counsel for the petitioners and the learned Government Pleader for Revenue writ petition was heard finally and disposed of at the admission stage.

3. Notification dated 12-9-1998 issued by the State Government acting under subsections (1) and (2) of Section 3 of the A.P. District (Formation) Act, 1974 including Itugullapadu, Savisettipalle and Ramapadu villages into proposed New Revenue Mandal "Sri Avadhula Kasinayana Mandal" is called in question in this writ petition.

4. The only contention of the learned Counsel for the petitioners is that the Government, before issuing the impugned notification, has not considered the objections filed by the petitioners to the draft notification dated 27-12-1997. In the affidavit filed in support of the writ petition, it is also contended that inclusion of Itugullapadu, Savisettipalle and Ramapadu villages into proposed New Revenue Mandal "Sri Avadhuta Kasinayana Mandal" is neither feasible nor necessary.

5. No breach of the Provisions of the Andhra Pradesh Districts (Formation) Act,

1974 or the Rules framed thereunder is pointed out. The contention of the learned Counsel for the petitioner that the Government has not considered the objections filed by the petitioners to the draft notification is not well-founded. The impugned notification dated 12-9-1998 refers to the draft notification inviting objections from all the concerned and considering the objections and suggestions received from the concerned. The question whether the inclusion of Itugullapardu, Savisettipalle, and Ramapadu villages into proposed New Revenue Mandal "Sri Avadhuta Kasinayana Mandal" is expedient, necessary or feasible is not a justiciable issue. The Court cannot decide these issues within the parameters of judicial review. The State should be allowed necessary freedom to decide which area should be included in which Mandal and which District.

6. In the result, writ petition fails and it is accordingly dismissed. No costs.