

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.22420 of 2015

Between :

Mrs. Arshiya Begum W/o.Syed Abdul Muqeen,
Aged 33 yrs, Occu : Household,
R/o.20-4-129/53, Manjli Begum ki Haveli,
Charminar, Hyderabad.

.. Petitioner

and

The State of Telangana,
Rep., by its Principal Secretary,
(Panchayat Raj), Secretariat Building,
Hyderabad, Telangana State & others

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 21.07.2015

-
SUBMITTED FOR APPROVAL:

-

-

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

-

1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

WRIT PETITION No.22420 of 2015

ORDER :

The petitioner claims to be the owner and possessor of plot No.92 in Sy.No.114, 115 and 116 admeasuring 200 Square yards, Awais Colony, Errakunta Village, Saroornagar Mandal, Ranga Reddy District. The petitioner claims to have purchased the said property by virtue of registered sale deed dated 17.09.2014 and is in possession and enjoyment of the same. In fact the petitioner has applied for building permission for construction of house. However, she is not allowed to undertake construction at the instance of 3rd respondent and on the contrary, the 3rd respondent is encroaching into the land of the petitioner and resorting to digging of trenches. Having come to know that the 3rd respondent is indulging in digging of trenches by encroaching into her land, she filed a complaint before the Executive Officer of the respondent-Gram Panchayat, which was received by the Gram Panchayat on 16.07.2015. But so far no orders are passed. Alleging the inaction of the respondent-Gram Panchayat, this writ petition is instituted.

2. *Prima-facie*, the averments made in the affidavit filed in support of this writ petition as well as the representation submitted by the petitioner to the Gram Panchayat would disclose that there appears to be a dispute between the petitioner and 3rd respondent regarding the extent of property and the boundaries. With reference to the *inter se* civil dispute, the Gram Panchayat has no role to play and cannot resolve such issue.

3. Learned counsel for the petitioner drawn my attention to the provisions of Section 121 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act, 1994') and the Rules made there under and contends that the Gram Panchayat has power to prohibit illegal construction in accordance with the provisions contained in Section 121 of the Act, 1994. Section 121 of the Act, 1994 is applicable for grant of permission to construct any building within the territorial jurisdiction of the Gram panchayat. The Rules made there under envisages detail procedure for granting of building permission. Apparently, from the reading of the averments in the affidavit filed in support of this writ petition, as well as the representation dated 15.07.2015, it is clear that no building is under construction. The petitioner alleges in the representation that the 3rd respondent is digging trenches. Thus, the provisions of Section 121 of the Act, 1994 or the Rules made there under are not attracted. Therefore, the question of the Gram Panchayat not entertaining the representation and not acting upon the said representation does not arise.

4. Be that as it may, the representation made by the petitioner was received by the Gram Panchayat on 16.07.2015. Alleging inaction on the part of the respondent-Gram panchayat this writ petition is filed. It cannot be expected that Gram Panchayat should act on the said representation within a period of four days. Thus, it is not a case where there is deliberate inaction on the part of the Gram Panchayat warranting interference by this Court.

5. Since the dispute apparently is of civil nature, the petitioner has to work out her remedies as available in law, and the writ petition at this stage is not maintainable.

6. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out her remedies, aggrieved by any illegal occupation of petitioner's land by 3rd respondent or digging of trenches

by encroaching into her land. It is made clear that the observations made in this writ petition shall not come in the way of the petitioner agitating her grievance before appropriate forum. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

21st July, 2015.

Rds