

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.34131 of 2015

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DATED : 14.10.2015

Between :

Vemula Rajesham S/o. Narsaiah,
Aged 55 yrs, Occu :Singareni Employee,
R/o.H.No.10-69, Main road,
Madaram-III, Madaram Township,
Adilabad District

.. Petitioner

and

The Gram Panchayat, Tandur village,
rep., by its Secretary,
Tandur village and Mandal, Adilabad District & another

.. Respondents

This court made the following :

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ORDER :

Petitioner claims to be owner and in possession of Plot No.702/1/A, admeasuring 242 Square yards, Tandur Village & Mandal, Adilabad District. According to the petitioner, he applied for building permission and constructed four rooms in the year 2006 with tin sheets. While so, the tin sheets got damaged and therefore, the petitioner has undertaken reconstruction in the same area in the place of old house after procuring relevant funds. While so, on 09.10.2015 when petitioner was undertaking reconstruction, respondents 1 and 2 have obstructed such reconstruction compelling the petitioner to institute this writ petition.

2. The averments in the affidavit would disclose that no building permission was applied for by the petitioner for undertaking construction as stated in the affidavit. Section 121 of the Panchayat Raj Act and the Rules made there under, clearly mandate obtaining building permission before undertaking any construction. The petitioner cannot undertake reconstruction of building, even if original building was having valid permission.

3. Thus, as the averments in the affidavit filed in support of the writ petition would disclose that no such permission was obtained, there is no illegality or irregularity committed by the Gram panchayat, in asking the petitioner to stop construction and not to undertake construction. Thus, while granting liberty to the petitioner to apply for building permission before undertaking construction, the writ Petition is disposed of. The petitioner is also directed not to undertake any further construction until building permission is obtained. There shall be no order as to costs.

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

_____**P.NAVEEN RAO,J**

14th October, 2015.

Rds

