

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.36107 of 2015

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05.11.2015

Between:

Ajay Kumar Bhati

.. Petitioner

and

The State of Telangana,

represented by its Principal Secretary,

Panchayat Raj Department,

Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.Pramod Singh

Counsel for respondent No.1: Assistant Government Pleader

for Panchayat Raj (TS)

Counsel for respondent No.2:K.Ramakrishna,

for G.Narender Reddy,

standing counsel for Gram Panchayats

The Court made the following:

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ORDER:

The grievance of the petitioner is that respondent No.2 has not been entertaining the application sought to be filed by him for grant of permission for raising a compound wall around his land and has been interfering with the construction of basement of the compound wall.

At the hearing, Mr.K.Ramakrishna, learned counsel representing Mr.G.Narender Reddy, learned standing counsel for Gram Panchayats, appearing for respondent No.2, submitted that under Rule 14 of the Andhra Pradesh Gram Panchayat Land Development (Layout and building) Rules, 2002, an application for grant of permission for construction has to be made in the form prescribed under *form G* to the executive authority of the Gram Panchayat. He has further submitted that as per the definition of ‘executive authority’ under Section 2(12) of the Andhra Pradesh Panchayat Raj Act, 1994, Panchayat Secretary is the executive authority. He has further submitted that on the petitioner’s own showing he is seeking to raise basement without even making an application for permission.

Inasmuch as the grievance of the petitioner that his application is not being received, he is permitted to make an application in prescribed *pro forma* (form G) to the Panchayat Secretary of Narkhoda Gram Panchayat. As and when such application is made by the petitioner, the same shall be received by the executive authority and pass an appropriate order thereon within a period of three weeks of receipt of such application. Till appropriate permission is granted by the executive authority of the Gram Panchayat, the petitioner shall not raise any construction.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.46441 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

05th November, 2015

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