

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

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.9902 and 31355 of 2015

DATE: 9.10.2015

WP 9902 of 2015

Between :
Vatvat Sanjay S/o Rajeshwar Rao
R/o H No. 9-30/1, Main Road,
Bichkonda Nizamabad

.... Petitioner

And
The State of Telangana
Rep by its Pri Secretary, Revenue Department
Secretariat, Hyderabad and others

.... Respondents

Court made the following order:-

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COMMON ORDER:

W.P. No. 9902 of 2015 is filed alleging inaction of the respondents 3 and 4 in not taking steps on the representation filed by the petitioner on 2.4.2015 against illegal constructions made by the respondents 5 and 6 in the writ petition without obtaining any permission in house site in Survey No. 4A to an extent of Ac.0.02 cents equivalent to 242 sq yards, Bichukonda village and mandal, Nizamabad district.

2. Petitioners in W P No. 31355 of 2015, respondents 5 and 6 in W.P. 9902 of 2015, filed the writ petition aggrieved by the inaction of the appellate authority in passing orders on the appeal filed by the petitioner on 10.7.2015 concerning the property to an extent of 242 sq yards in Survey No. 5/౯/3 (5/౯), Bichukonda illage and mandal, Nizamabad district.

3. Both writ petitions concern the same subject property and therefore are disposed of by this common order with the consent of learned counsel for respective petitioners and learned standing counsel for Bichukonda Gram Panchayat. For the sake of convenience, parties are referred to as arrayed in W P No. 9902 of 2015.

4. Heard Sri Deepak Misra, learned counsel for petitioner,
Sri K.Venumadhav, learned counsel for respondents 5 and 6, learned Government Pleader for Revenue, learned Government Pleader for Panchayat Raj and Sri G Narendar Reddy, learned counsel for respondent No.7.

5. Respondents 5 and 6 claim that they are owners of land to an extent of 846 sq yards in Survey No. 5/౯/3 (5/౯), Bichukonda village and mandal, Nizamabad district, out of which they intend to construct shops and residential house in 240

sq yards and to that extent building permission application was submitted on 6.4.2015 to the respondent Gram Panchayat. The Secretary of Gram panchayat passed orders on 24.6.2015 rejecting the building permission application. Aggrieved thereby respondents 5 and 6 filed appeal before the Gram Panchayat, but so far no orders are passed. Learned counsel appearing for respondents 5 and 6 prays for a direction to the Gram Panchayat to consider the appeal filed by them on 10.7.2015 and take a decision on the application for grant of permission as expeditiously as possible.

6. On the contrary, learned counsel for petitioner submits that there is a serious dispute regarding extent of land claimed by respondents 5 and 6 and civil litigation is pending. While so, without obtaining building permission, respondents 5 and 6 started undertaking construction and in spite of filing complaints by the petitioner, authorities of the Gram panchayat have not taken any action against such illegal construction, compelling the petitioner to institute this writ petition.

7. Learned standing counsel appearing for respondent Gram Panchayat submitted that on the basis of the complaint given by the petitioner, a notice was already issued to respondents 5 and 6 against illegal constructions and the Gram Panchayat shall take a decision, duly considering the objections/explanation submitted by respondents 5 and 6, which would be independent of consideration of appeal filed by respondents 5 and 6.

8. This Court by order dated 15.4.2015 in WPMP 13016 of 15 in WP 9902 of 15 directed that no construction should take place on the subject land without obtaining permission from the Gram Panchayat.

9. On the issue of consideration of appeal filed by respondent 5 and 6 on 10.7.2015 by the Gram Panchayat, learned counsel for petitioner submits that Gram Panchayat should put on notice petitioner and be given an opportunity to present his case against grant of building permission to respondents 5 and 6.

10. Having regard to the rival submissions, writ petitions are disposed of directing petitioner to file his objections against appeal filed by respondents 5 & 6 within ten days from the date of receipt of copy of this court by duly serving a copy on respondents 5 and 6. It is also open to respondents 5 and 6 to file response to said objections within a period of one week thereafter. The Bichukonda Gram Panchayat shall consider the appeal filed by the respondents 5 and 6 made on 10.7.2015 duly taking into consideration the grounds of appeal and objections filed by petitioner and pass appropriate orders as warranted by law. A decision in accordance with law shall be taken within a period of two weeks thereafter.

11. It is made clear that until a decision is taken on building permission application, no further construction shall be made by respondents 5 and 6.

12. Accordingly, writ petitions are disposed of. No costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 9.10.2015.
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P.NAVEEN RAO,J

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