

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

WRIT PETITION No.39185 of 2015

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02.12.2015

Between:

Silvaru Andalu .. Petitioner

and

The State of Telangana,

represented by its Principal Secretary,

Panchayat Raj Department, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Pradeep Kumar

Counsel for respondent Nos.1 to 3: Assistant Government Pleader

for Panchayat Raj and Rural Development (TS)

Counsel for respondent No.4: Mr.G.Narender Reddy,

standing counsel for the Panchayat Raj Institutions (TS)

The Court made the following:

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ORDER:

This writ petition is filed with the grievance that the purported application made by the petitioner for building permission on 12.11.2015 is not being disposed of by respondent No.4.

At the hearing, Mr.G.Narender Reddy, learned standing counsel for Panchayat Raj Institutions appearing for respondent No.4, has submitted and in my view rightly, that though the purported application of the petitioner bears the date of 12.11.2015, it was shown to be received by office of respondent No.4 on 27.11.2015. He has further submitted that the said application is addressed to the Sarpanch of respondent No.4, who is not competent to entertain the same. The learned counsel for the petitioner has not disputed that the Panchayat Secretary, being the executive authority of a Gram Panchayat, is competent to receive and take a decision thereon for grant of building permission. As the petitioner failed to file proper application to the competent authority, no *mandamus* can be issued to direct respondent No.4 to dispose of such application, which cannot be considered as valid in the eye of law.

Therefore, the Writ Petition is dismissed, however, with liberty to the petitioner to

make proper application addressed to the Panchayat Secretary of respondent No.4.
If such an application is made, the competent authority shall take a decision thereon expeditiously and communicate the same to the petitioner.

As a sequel to dismissal of the writ petition, W.P.M.P.No.50503 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

02nd December, 2015

GHN