

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 24554 of 2015

Date :3 -9-2015

Between :

L Vijay Kumar S/o late Parvathaiah
R/o H No. 5-107, Near New Bus Stand,
Maddur village & mandal, Mahaboobnagar district

Petitioner

And

The State of Telangana,
Rep by its Principal Secretary,
P R Department, Secretariat, Hyderabad and others

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.24554 of 2015

ORAL ORDER:

Building permission granted in favour of petitioner by Sarpanch of the Gram Panchayat was challenged before the District Panchayat Officer. The District Panchayat Officer, while entertaining the appeal filed by 5th respondent granted interim direction to stop construction of the building by proceedings dated 13.7.2015. Said proceedings dated 13.7.15 are challenged before this Court.

2. As seen from the material filed on record, building permission was granted by Sarpanch, whereas, according to Building Rules, 2002 the competent authority to grant building permission is Secretary of the Gram Panchayat.

3. Thus, prima facie, it appears that granting of building permission is without jurisdiction. When the Sarpanch granted building permission, there is no alternative for aggrieved person except to go before the District Panchayat Officer. Thus, it cannot be said that District Panchayat Officer has no jurisdiction to entertain the appeal filed by 5th respondent.

4. Learned counsel fairly submitted that due to oversight and by mistake, the building permission was obtained from the Sarpanch and petitioner is willing to apply to the Gram Panchayat and obtain building permission from the Panchayat Secretary.

5. However, since appeal is pending consideration before the District Panchayat Officer, petitioner can appear before the District Panchayat Officer and make a request seeking leave for consideration of the building permission application by the competent authority i.e., Panchayat Secretary. As and when such request is made, same shall be considered by the District Panchayat Officer and pending appeal shall be disposed of expeditiously, preferably within a period of two weeks from the date of appearance of the petitioner, after due notice to appellant-5th respondent herein.

6. Accordingly the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 3-9-2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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