

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.37666 of 2016

ORDER:

Petitioner complains against the inaction or no action on the objection dated 20.10.2016 as illegal, arbitrary and contrary to A.P. Panchayat Raj Act. Petitioner is objecting to the construction undertaken by respondents 5 and 6.

2. The fifth respondent herein filed WP.No.29764 of 2016 and the following order was passed:

3. It is the case of the petitioner that he got the property in question under a registered settlement deed dated 26.5.2016. The petitioner submitted an application to the third respondent seeking permission for construction of an RCC roof building in an extent of Ac.0-08 cents in R.S.No.1187/2 of Losari Guttapadu village, Bhimavaram Mandal of West Godavari District. The third respondent returned the application with an endorsement that 90 days period has not completed from the date of registration of the document.

4. In view of the expiry of period of 90 days from the date of registration of the document, this Court is not inclined to go into the merits of the main case. The petitioner is at liberty to make application afresh to the third respondent seeking permission for construction of RCC roof building. If the petitioner submits an application afresh in accordance with the provisions of the A.P. Panchayat Raj Act and Rules made therein, the third respondent is hereby directed to dispose of the application of the petitioner.

3. The apprehension of petitioner is that having regard to the time stipulated by this Court, the fourth respondent will independently consider the application and ignore the objection raised by petitioner.

4. I have perused the material available on record and taken note of the directions issued in WP.No.29764 of 2016. This Court is not proposing to consider the disputes between petitioner and respondents 5 and 6 in the instant writ petition, but the writ petition can be disposed of by this order:

The fourth respondent is directed to consider the objections of petitioner along with the directions issued by this Court in WP.No.29764 of 2016.

As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

November 3, 2016
Note: Furnish C.C. by 04.11.2016
(B/o) DSK

S. V. BHATT, J

