

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.16209 OF 2016

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj appearing for respondents 1 and 2 and Sri Ch. Ravi, learned Standing Counsel appearing for respondent No.3.

The petitioner is aggrieved by the alleged action of the 4th respondent in constructing the second floor in the open site admeasuring 1318 sq. yards, which is adjacent to Venkaiah Main Canal Road, in R.S.No.491/2 of Akividu Village and Mandal, West Godavari District. He states that the 4th respondent had not obtained any permission from the Akividu Gram Panchayat, the 3rd respondent, as required under Section 121 of the Gram Panchayat Act. He further states that a notice dated 20.04.2015 was got issued by him to the 3rd respondent, which, in turn, through its counsel replied vide reply notice 09.05.2015 stating that the building permission was given in favour of one Smt. Bollam Kanaka Durga vide B.L.R.No.72/204-15, dated 09.09.2014, for constructing ground and first floors.

Sri Ch. Ravi, learned Standing Counsel for the 3rd respondent – Gram Panchayt, on instructions, submits that since the 4th respondent has been granted permission for construction of the first floor, he had executed a gift deed in favour of his wife, who made an application for construction of the second floor.

The controversy is with regard to the factual matrix. While the petitioner submits that the 4th respondent's wife had already constructed a building in the subject site, learned Standing Counsel for the 3rd respondent submits that permission has been granted. As the petitioner has already made a written complaint dated 02.05.2016 to the 3rd respondent and a copy of the same was

also marked to the 2nd respondent, this Court is not inclined to go into the merits of the matter.

Considering the fact that the petitioner had filed *prima facie* proof of acknowledgment of written complaint, interests of justice would be served if a direction is given to the 2nd respondent to consider the complaint dated 02.05.2016 submitted by the petitioner. If the allegations as made by the petitioner are found to be correct, necessary action, as envisaged under the Andhra Pradesh Panchayat Raj Act, 1994, shall be taken. In the process of conducting enquiry, the 2nd respondent shall ensure that notice be given to the petitioner as well as to the 4th respondent and also opportunity of personal hearing to both the parties. The entire exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

Subject to the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

Date:02.06.2016

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