

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.16960 OF 2016

ORDER:

This Writ Petition is filed for the following relief:

“... to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent Nos.2 to 4 in considering the representation dt.16.05.2016 submitted by the petitioner objecting for grant of any permissions for construction of houses in respect of the land admeasuring 770 sq. yards in plot Nos.11 and 12 in Sy.No.190/A situated at Pedda Thanda Grampanchayat, Khammam Rural (M) of Khammam District as illegal, arbitrary, and violative of principles of natural justice and consequently not to grant any permissions to anybody in respect of above said land and pass such other order or orders which are deemed fit and proper in the circumstances of the case.”

The petitioner claims that she is the absolute owner of the land to an extent of 770 sq. yards in Plot Nos.11 and 12 in Survey No.190A of Pedda Thanda Grampanchayat, Khammam Rural Mandal and District. She states that some third parties, who are dealing with the real estate business, are trying to create documentary evidence and threatening to make construction in her land by obtaining necessary permission from the Gram Panchayat. Therefore, she approached the Superintendent of Police, Khammam, and also the Sub Registrar, Kusumanchi, Khammam, the 5th respondent, by making a representation on 16.05.2016.

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj appearing for respondents 1 to 3 and 5, and Sri G. Narender Reddy, learned Standing Counsel appearing for the 4th respondent.

Though the prayer of the petitioner is innocuous, the Gram

Panchayat would issue notice if any third party applies for construction.

Inasmuch as the petitioner claims right over the property based on a registered partition deed, it is just and proper for the 4th respondent to consider *prima facie* title of the petitioner and any others who seek permission for construction and it is a mandatory requirement which is required to be considered by the Gram Panchayat in terms of the rules.

Hence, the Writ Petition is disposed of directing the respondents not to grant any permission to third parties in respect of the land in question, without issuing notice to the petitioner. 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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