

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20589 OF 2016

ORDER:

The grievance of the petitioner is that the 3rd respondent-Panchayat Secretary of Kismatpur Grampanchayat has issued proceedings No.G.P./11/G.P.K.PUR/2015, dated 01.10.2015 in favour of the respondents 4 and 5 allowing them for constructions in the land situated in Sy.Nos.143, 151, 153 to 158, 1 to 39, 42, 46 to 48 and 51 to 103 of Kismathpur village, and aggrieved by the same the petitioner filed an appeal before the 2nd respondent-District Panchayat Raj Officer, Ranga Reddy District, on 21.11.2015, though much time has been elapsed the same is not being disposed of.

Learned Standing Counsel appearing for the 3rd respondent submits that in terms of Section 128 of the Panchayat Raj Act (in short “the Act”), if a person is aggrieved by the order made by a Panchayat Secretary, the appeal would lie to Gram Panchayat. In that view of the matter, if the petitioner approaches the Gram Panchayat by filing an appeal in terms of G.O.Ms.No.139, dated 18.04.2000 the same shall be considered in accordance with law.

Having considered the rival submissions, it may be noted that Section 2 (12) of the Act defines “Executive Authority” means the Panchayat Secretary appointed to each Gram Panchayat and Section 2 (17) of the Act defines “Gram Panchayat” means the body constituted for the local administration of a village under this Act. The definitions made it clear that Panchayat Secretary is treated as an independent authority vis-à-vis Gram Panchayat, and that the will of the Gram Panchayat in certain times is communicated by the Panchayat Secretary. In the present case the impugned permission having been signed by the Panchayat Secretary and in the light of the submissions made by the learned Government Pleader for Panchayat Raj as well as the learned Standing Counsel for the Gram Panchayat, the

petitioner shall be given liberty to file appeal before the Gram Panchayat. If such application is filed within two weeks from today, the same shall be entertained and appropriate orders be passed within four weeks thereafter in accordance with law.

With the above direction the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.

JUSTICE CHALLA KODANDA RAM

DATED: 27.06.2016.

Note:

Issue C.C. forthwith.

B/o

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