

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**WRIT PETITION No.26356 OF 2016**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the inaction of the second respondent in deciding the appeal dated 28.09.2015 filed against the order of the third respondent dated 19.09.2015 in rejecting the building permission, as arbitrary and illegal.

Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj and Rural Development (A.P.) and Sri Cheemalapati Ravi, the learned Standing Counsel for respondent Nos.2 and 3.

The petitioner, who is a resident of Kukunuru Village, purchased vacant site an extent of 171 square yards under a registered sale deed dated 14.02.2012 for a valid consideration. Kukunuru Village forms integral part of Tallapudi Gram Panchayat. On 16.09.2015 the petitioner submitted an application to the third respondent seeking permission to construct a shop in an extent of 142 square yards in R.S.No.21/4A in Kukunuru Village. On 19.09.2015 the third respondent rejected the application of the petitioner dated 16.09.2015. Having no other alternative, the petitioner filed an appeal before the second respondent on 28.09.2015. For one reason or other, the second respondent – Gram Panchayat has not passed any orders on the appeal of the petitioner dated 28.09.2015.

Learned counsel for the petitioner has drawn my attention to Section 128 of the Andhra Pradesh Panchayat Raj Act, 1994. A perusal of the same clearly demonstrates that an appeal lies to the Gram Panchayat against the orders passed by the Executive Authority.

The only relief sought by the petitioner is to direct the second

respondent to dispose of his appeal.

Having regard to the facts and circumstances of the case, the second respondent is hereby directed to dispose of the appeal of the petitioner dated 28.09.2015 in accordance with law, as expeditiously as possible, preferably within a period of one (1) month from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of.

No costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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**T.SUNIL CHOWDARY, J**

Date: 05.08.2016

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