

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition Nos.11885 and 28811 of 2014

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Date: 04.02.2016

WP.No.11885/14

Between:

Gajelli Shankar

.. Petitioner

and

The State of Andhra Pradesh
rep. by its Prl.Secretary
Panchayat Raj Dept.,
Hyderabad and 12 others

.. Respondents

Counsel for the petitioner :

Mr.M.Hamsa Raj

Counsel for respondent Nos.1 & 3:

AGP for Panchayat Raj

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Counsel for respondent No.2:

AGP for Revenue

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Counsel for respondent No.4:

Mr.G.Narender Reddy

–
Counsel for respondent Nos.5, 7 & 13: Mr.Vedula

Venkataramana,

Senior Counsel

for Mr.Sai Krishna Joginipally

–
WP.No.28811/14

Between:

Siripuram Ramaiah and 2 others

...Petitioners

and

The State of Telangana
rep. by its Prl.Secretary
Hyderabad and 3 others.

...Respondents

Counsel for the petitioners:

Mr.Sai Krishna

Joginipally

Counsel for respondent Nos.1 & 3:

AGP for Panchayat

Raj

Counsel for respondent No.2:
Counsel for respondent No.4:
Reddy

AGP for Revenue
Mr.G.Narender

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The Court made the following:

Common Order :

Writ Petition No.11885 of 2014 is filed for a Mandamus to declare the inaction of respondent No.4 in taking action on the illegal construction being undertaken by respondent Nos.5 to 13 over the land in Survey No.102 of Naspur Village, Mancherial Mandal, Adilabad District, and in not considering representation, dated 07-01-2014, as illegal and arbitrary.

Though Writ Petition No.28811 of 2014 is not listed today, the learned Counsel appearing for all the parties have agreed that respondent Nos.5, 7 and 13 in WP.No.11885 of 2014 have filed the said Writ Petition with the grievance that the fresh application made by them before respondent No.4 for grant of building permission is not being disposed of. Hence, W.P.No.28811 of 2014 is summoned from the Registry and being disposed of

along with WP.No.11885 of 2014. However, the parties shall be referred as they are arrayed in WP.No.11885 of 2014.

A perusal of the record shows that on 28-04-2014, this Court, while admitting WP.No.11885 of 2014, passed the following order:

“Mr.P.Raghadender (sic – Raghavender) Reddy, Learned Standing Counsel for the Gram Panchayat would state that, while respondent Nos.6 and 8 have been granted permission by the Gram Panchayat, respondent Nos.5 and 7 were granted permission by the Sarpanch; the permission granted by the sarpanch does not have legal sanction; respondent Nos.9 to 12 have already alienated their share of the property; and no construction is being made by them. Learned Standing Counsel would further state that, while no permission for construction has been granted to the 13th respondent, he is also not making any construction.

Pending further orders, respondent Nos.5 and 7 shall not make any further construction. The 4th respondent shall ensure that the other respondents also do not make any construction except with the prior written sanction of the Gram Panchayat.”

Mr.Vedula Venkataramana, learned Senior Counsel appearing for respondent Nos.5, 7 and 13,

submitted that as the building permission granted in their favour by the Sarpanch of Naspur Gram Panchayat is not valid, a fresh application is filed before the Executive Authority *i.e.*, the Panchayat Secretary of the said Gram Panchayat and that the same is pending. He has further submitted that as the building permission has not been granted by the competent authority, they are not proceeding with the further construction.

No one entered appearance for the other private respondents *viz.*, respondent Nos.6, 8, 9, 10, 11 and 12.

In the above facts and circumstances of the case, the Executive Authority *i.e.*, the Panchayat Secretary of Naspur Gram Panchayat is directed to dispose of the application of the petitioners in W.P.No.28811 of 2014 within one month from the date of receipt of this order. Till then, respondent Nos.5, 7 and 13 are restrained from proceeding with further construction.

As regards the other respondents *viz.*, respondent Nos.6, 8, 9, 10, 11 and 12, they are

restrained from proceeding with any construction without obtaining valid building permission.

Subject to the above directions, both the Writ Petitions are disposed of.

As a sequel to disposal of the Writ Petitions, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 4th February, 2016
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