

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15356 of 2016

ORDER:

The case of the petitioner is that the petitioner is permanent resident of Narsarajupalem village and his father is well known in the village. The petitioner intends to construct bus shelter with his own funds on the name of his father. Basing on the decision, the Grampanchayat, Narsarajupalem had passed a resolution, dated 07-03-2016 for construction of bus shelter with his own funds in the lands in Sy.No.84 admeasuring Ac.00 ½ cents. After demise of his father on 23-03-2016, the petitioner approached Grampanchayat to accord permission to construct bus shelter in the name of his father. The Grampanchayat accorded permission and when the petitioner started construction of bus shelter, the respondents 3 to 6 objected for the same. On that the petitioner made representation dated 19-04-2016 to the respondents 3 to 6 to consider his request. But they did not furnish any reasons. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue produced written instructions stating that the petitioner started constructing bus shelter with his own funds without obtaining permission from Roads And Buildings (R&B)

Department on the road margin and the Grampanchayat is not competent to take any decision regarding construction of bus shelter on the road margin belongs to R & B Department.

It is to be seen that road belongs to R& B Department and without obtaining proper permission from the said department, the petitioner cannot make any construction on the road margin. It is not known how Grampanchayat is competent to issue permission to construct bus shelter on the road margin without permission of R&B Department. In view of the same, the petitioner cannot have any grievance about stoppage of construction by respondents 3 to 6.

Since it is stated that the petitioner made application to the R& B Department, it is for the concerned authority to look into the same, dispose of the same in accordance with law and communicate the same to the petitioner. Since the petitioner wants to construct bus shelter with his own funds, if it is feasible and permissible, it is open for the competent authority to consider said request in accordance with law.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

01-07-2016
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