

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2252 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue an appropriate writ, order or direction more particularly a writ in the nature of Mandamus declaring the action of the 6th respondent in returned the plan along with explanation vide Rc.No. /2016 dated 26.11.2016 relating the petitioner house site property covered vide Ref.No.(A) 685/85 dated 29.06.2011 for an extent of Ac.0.03 cents in Sy.No.187/1 in Door No.3-27 situated in Ravulapadu Village of Ravulapalem Mandal, East Godavari District in interfering with constructed house of the petitioner as illegal and arbitrary”.

Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj and Sri Ch.Ravi, learned Standing Counsel for 6th respondent.

When the matter is called, preliminary objection is taken by the learned Standing Counsel for the 6th respondent that according to Section 128 of the A.P. Panchayat Raj Act, 1994, against any order passed by the executive authority, an appeal lies to the gram panchayat.

Section 128 of the A.P. Panchayat Raj Act, reads as under:-

Appeal from the order of executive authority:-

- 1) An appeal shall lie to the gram panchayat from,
 - a) any order of the executive authority granting, refusing, suspending or revoking a licence or permission;
 - b) any other order of the executive authority that may be made appealable by rules made under Section 268.
- 2) A second appeal shall lie from the decision of the gram panchayat passed in an appeal under sub-section (1) to such authority as may be prescribed whose decision thereon shall be final.

In view of the above provision of law, which prescribes alternative remedy of appeal to the gram panchayat, this Court is not inclined to exercise extraordinary writ jurisdiction under article 226 of the Constitution.

For the aforesaid reasons, this Writ Petition is dismissed with liberty to the petitioner herein to avail the alternative remedy of appeal under Section 128 of the A.P. Panchayat Raj Act, 1994, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, the same be considered and appropriate orders be passed as per law.

As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

24th January, 2017
ssp



A.V. SESA SAI, J