

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

**WRIT PETITION No. 7840 of 2017**

**ORDER:**

Heard learned counsel for the petitioner and the learned Standing counsel, Sri G. Narender Reddy, for the 2<sup>nd</sup> respondent.

Earlier, the petitioner approached this Court by way of filing W.P.No.13033 of 2016 and this Court vide order, dated 21.04.2016, disposed of the said Writ Petition giving liberty to the petitioner to file a fresh application with a further direction to the respondents to dispose of the same within a period of two weeks from the date of such application. Subsequently, the petitioner submitted an application in prescribed format. Now by virtue of the order under challenge vide Lr.No.F.Oan/148/2016, dated 29.02.2016, Secretary of the 2<sup>nd</sup> respondent Gram Panchayat rejected the said application on the ground that the subject survey number is a Government land.

Learned Standing counsel, Sri G. Narender Reddy, has taken a preliminary objection saying that the order under challenge is appealable before the Gram Panchayat as per the provisions of Section 128 of the A.P. Panchayat Raj Act, 1994, which read as under:

**“128. 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 alternative remedy available to the petitioner this Court is not inclined to entertain the present Writ Petition under Article 226 of the Constitution of India. However, the petitioner is at liberty to file appeal against

the order of rejection impugned in the Writ Petition before the Gram Panchayat within a period of two weeks from the date of receipt of a copy of this order. If such appeal is filed, the same may be disposed of in accordance with law as expeditiously as possible, after giving notice and opportunity of hearing to the petitioner.

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

Miscellaneous petitions, if any pending, shall stand closed. No order as to costs.

**A.V.SESHA SAI, J**

Date: 08.03.2017  
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