

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.11310 OF 2017

ORDER:

Heard Sri S.Lakshmi Kanth, learned counsel for the petitioner, and Sri G.Narender Reddy, learned Standing Counsel appearing for the respondent Gram Panchayat.

2. When the matter is taken up, it is submitted by the learned Standing Counsel that the respondent Gram Panchayat granted permission in favour of unofficial respondent No.4 herein and it is open for the petitioner herein to assail the same, if he is advised to do so, under Section 128 of the Telangana State Panchayat Raj Act, 1994.

3. Section 128 of the Telangana State Panchayat Raj Act, 1994 reads as under:

“128. (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 and availability of an alternative remedy of appeal to Gram Panchayat, this Court deems it appropriate to dispose of the writ petition, by permitting the petitioner herein to file an appeal before the Gram Panchayat against the construction permission granted in favour of the unofficial respondent herein within a period of two (2) weeks from

the date of receipt of a copy of this order, and on such appeal being filed, the same shall be considered and final orders be passed strictly in accordance with law after giving notice to all the stakeholders within a period of two (2) months thereafter.

4. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

Date : 02.01.2018
AMD

JUSTICE A.V.SESHA SAI



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