

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4723 OF 2017

ORDER:

Heard Sri Pratap Narayan Sanghi, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development (A.P.) appearing for respondent Nos.1 and 2 and Sri Ravi Cheemalapati, learned Standing Counsel appearing for respondent No.3.

2. According to the petitioner, it is a society registered under Act XXI of 1860 *vide* registration No.30 of 1962, dated 24.04.1962, and it purchased approximately an extent of 1822 sq.yards under various documents. The petitioner herein earlier filed W.P.No.38193 of 2016 before this Court questioning the action of the respondents in not receiving and processing the application for construction of a church/community centre on its land situated in an extent of 725 sq.yards in plot Nos.13, 14, 15 and 16 situated in approved plan at Yallavanigaruvu, Palakol Rural Gram Panchayat, Palakol Mandal, West Godavari District. This Court, on 07.11.2016, passed an order directing the Gram Panchayat to receive the explanation together with appropriate undertaking of the petitioner, to consider the same and to take necessary action. Pursuant to the said order, petitioner herein submitted explanation on 18.11.2016, wherein it also undertook to remove the unauthorized permanent structures, if any, voluntarily in the event of rejection of the application for construction. Thereupon, the Executive Officer of the respondent Gram Panchayat issued an endorsement *vide* Roc.No. /2016, dated 12.12.2016, rejecting

the application of the petitioner while directing to submit the same after disposal of W.P.No.38193 of 2016 and while also asking the petitioner to submit an undertaking.

3. At the hearing, today, it is submitted by the learned counsel for the petitioner that in fact, in the explanation, dated 18.11.2016, petitioner had clearly undertaken for removal of the unauthorized permanent structures, if any, voluntarily in the event of the application being rejected.

4. Having heard the learned counsel for the petitioner, learned Government Pleader and the learned Standing Counsel, this Court deems it appropriate to dispose of the present writ petition permitting the petitioner to re-submit the application with all the papers and with a further direction to respondent Gram Panchayat to pass final orders on the same strictly in accordance with law after hearing all the stakeholders.

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

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

JUSTICE A.V.SESHA SAI

Date : 02.01.2018
AMD

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