

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**I.A.No.6 of 2018**

*in/and*

**WRIT PETITION No.31316 of 2017**

**COMMON ORDER:**

Heard counsel for petitioner, the Government Pleader for Panchayat Raj appearing for 1<sup>st</sup> respondent, the Government Pleader for Revenue appearing for respondents 2 & 3, Sri G.Narendar Reddy, Standing Counsel appearing for 4<sup>th</sup> respondent, and Sri D.V.Chalapathi Rao, Counsel appearing for respondents 5 & 6.

2. Petitioner has assailed in this Writ Petition a building construction permission granted by the 4<sup>th</sup> respondent-Panchayat on 26.07.2017 to the respondents 5 & 6 pursuant to an application in that regard made by them on 23.03.2017 and pursuant to a Resolution of the Gram Panchayat made on 27.03.2017/22.06.2017.

3. It is the contention of the petitioner that 5<sup>th</sup> respondent had sold Ac.0.07 guntas of agricultural land to the petitioner under a Sale Deed dt.03.06.1993, that after said sale, the 5<sup>th</sup> respondent had no other lands in which any construction could be made, and that the 5<sup>th</sup> respondent executed a sham sale deed on 29.07.2015 in favour of the 6<sup>th</sup> respondent with a view to obtain building permission.

4. Petitioner contends that in spite of the objections made by the petitioner on 25.01.2016 through a legal notice, impugned permission has been granted on 26.07.2017 by the 4<sup>th</sup> respondent

5. On 04.04.2018 this Court directed *status quo* to be maintained with regard to the proposed constructions.

6. I.A.No.6 of 2018 is filed by respondents 5 and 6 to vacate the said order.

7. Counsel for vacate petitioners contended that there is no merit in the contentions of the writ petitioner, that respondents 5 & 6 have title to the property and there is an injunction granted in favour of 6<sup>th</sup> respondent against the petitioner in I.A.No.444 of 2015 in O.S.No.194 of 2015 by the Junior Civil Judge, Nagarkurnool and this fact was suppressed by the writ petitioner.

8. Sri G.Narender Reddy, Standing counsel appearing for 4<sup>th</sup> respondent states that the 4<sup>th</sup> respondent was satisfied *prima facie* about the claim of respondents 5 & 6 for permission, that he had granted said permission in accordance with law, and if the petitioner has any grievance, he should approach the competent Civil Court, establish his title to the property and seek appropriate relief against respondents 5 & 6.

9. Under the provisions of the Telangana Panchayat Raj Act, 1994 (for short 'the Act'), there is no power conferred on the Grampanchayat to decide *inter se* claims of title made by rival parties before the Grampanchayat before granting permission to make construction.

10. Counsel for petitioner has not been able to point out any provision, either under the said Act or the Rules framed there under, which empowers the Grampanchayat to go into the title of the applicant to grant permission or consider objections to an application for permission, and decide whether or not to grant permission to the applicant.

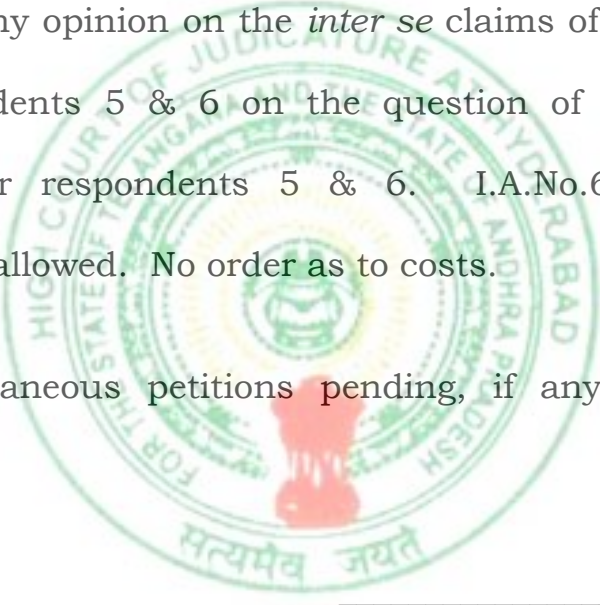
11. In this view of the matter, when the 4<sup>th</sup> respondent-Grampanchayat was *prima facie* satisfied about the title of respondents 5 & 6, when it granted the impugned permission, no exception can be taken to it. However, grant of such permission does not mean that the Grampanchayat is certifying the title of respondents 5 & 6 to the subject property. It is open to the petitioner to approach the competent Civil Court challenging the title of respondents 5 & 6 to the subject property and seek appropriate relief therein for stopping the construction being made by the respondents 5 & 6 in the subject land, pursuant to the impugned permission, by satisfying the Civil Court that he has a better title, balance of convenience is in his favour and irreparable

injury would be caused, if the constructions being made by the respondents 5 & 6 are not stopped.

12. In this view of the matter, I see no reason to continue the interim order or to entertain the Writ Petition.

13. Accordingly, the Writ Petition is dismissed granting liberty to the petitioner to approach the competent Civil Court for appropriate relief against respondents 5 & 6 in regard to the subject property. It is made clear that this Court has not expressed any opinion on the *inter se* claims of the petitioner and respondents 5 & 6 on the question of title of either petitioner or respondents 5 & 6. I.A.No.6 of 2018 is accordingly allowed. No order as to costs.

14. Miscellaneous petitions pending, if any, shall stand dismissed.



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**M.S.RAMACHANDRA RAO, J**

20<sup>th</sup> September, 2018.  
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