

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35115 OF 2018

DATED :22.10.2018

Between :

Potnuru Kameswara Rao S/o.Late Sriramamurthy,
Age about 42 yrs, Occu : Business,
R/o.H.No.1-236, Main Road,
Meliaputti (Village, Post & Mandal),
Sikakulam District, Andhra Pradesh State -532215.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Panchayat Raj & Rural Development Department,
Secretariat, Velagapudi, Amaravathi,
Guntur District, Andhra Pradesh & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, Learned Government pleader for Panchayat Raj and learned Standing counsel for Gram Panchayat.

2. The building permission applied by the petitioner to construct a house in Sy.No.342 of Meliaputti Village was granted vide Dis.No.19 of 2018 on 02.07.2018. By order dated 10.07.2018, the said building permission is suspended. Challenging the same, this writ petition is filed.

3. Learned Standing counsel points out that as per Section 128 of A.P. Panchayat Raj Act, 1994 (for short 'the Act'), the remedy of appeal is available to the Gram Panchayat against the decision of Executive Authority suspending the permission granted and without availing the said remedy, this writ petition is filed.

4. A bare perusal of Section 128 (1) of the Act, it is clear that remedy of appeal is provided to the Gram Panchayat against the decision of Executive Authority. The decision impugned herein is passed by the Executive Authority. Since the statute provides for remedy of appeal which is effective and efficacious, the Court is not inclined to entertain the writ petition.

5. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to avail the remedy of appeal as provided under Section 128 (1) of the Act, against the decision of Executive

Authority suspending the building permission granted. Pending miscellaneous petitions shall stand closed.

22nd October, 2018
Rds

P.NAVEEN RAO,J

