

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.35215 OF 2018

Date: 22.10.2018

Between:

G.Jagan Mohan Reddy,s/o. Ganga Reddy,
Aged about 40 years, r/o. H.No.3-102/1,
Mosra village, Varni Mandal, Nizamabad
District.

...Petitioner

and

The State of Telangana, rep.by Principal
Secretary, Panchayath Raj Department,
Secretariat Building, Hyderabad and
others.

.....Respondents



The Court made the following:

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ORDER:

Application submitted by petitioner to construct ground plus two upper floors in the premises bearing house No.8-101/3D, in an extent of 303.19 square meters in Mosra Grama Panchayath, Nizamabad district, was processed and granted permission on 18.05.2018. However, on 11.07.2018, the District Panchayat Officer directed the Panchayat Secretary, Gram Panchayat Mosra to stop construction activity in pursuant to the said building permission and also directed him to place the matter before the Gram Panchayat to examine the claim of petitioner for construction of building in view of the complaint received against such permission. It appears, so far no decision is made by the Gram Panchayat.

2. According to learned counsel for petitioner, the Tahsildar enquired into the matter and vide his letter dated 28.08.2018 submitted his report to the Sub-Collector, Bodhan. The report would disclose that proposed construction is 12 feet away from the Canal and that construction is not on the Government land. Learned counsel for petitioner submits that in view of the said report, the earlier complaint has no merit and building permission granted earlier could not have been suspended.

3. However, it appears that said report of the Tahsildar is not placed before the Gram Panchayat. In view of the submission made, without entering into the merits and on competence of the District Panchayat Officer, Writ Petition is disposed of, directing

the Gram Panchayat/Special Officer to examine the report submitted by the Tahsildar on 28.08.2018 with reference to the building permission application submitted by the petitioner and to take a decision as warranted by law. Petitioner is directed to submit copy of the report of the Tahsildar dated 28.08.2018 to the Gram Panchayat/Special Officer. On submission of report of Tahsildar dated 28.08.2018, the Special Officer shall consider the same and submit a report to the District Panchayat Officer within two weeks. On receipt of the report of Gram Panchayat/Special Officer, the District Panchayat Officer shall take a decision within a week thereafter as warranted by law. If he is aggrieved by the decision taken by the District Panchayat Officer, it is open to petitioner to raise all contentions as available in law in appropriate proceedings. Pending miscellaneous petitions shall stand closed.

Date: 22.10.2018

Note: Issue C.C. in three days.

(b/o.)

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