

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 36661 of 2018

Date : 24.10.2018

Between:

Sri Polati Sridhar Rao S/o Neeladri Rao
Aged 38 Years Occ Business Rlo Suraram Village
Elakathurthi Mandal Warangal Urban District

Petitioner

And

The State of Telangana
Rep by its Principal Secretary Panchayat Raj Department
Secretariat Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims to be owner of land to an extent of 3,050 sq yards, Elkathurthi village and mandal, Warangal Urban District. Petitioner claims that building permission application was submitted to Gram Panchayat for construction of compound wall and within the time prescribed by the Act, as permission was not refused, he started undertaking the construction of compound wall and at that stage, compound wall was removed.

2. However, when the matter is taken up, learned standing counsel pointed out that area on which construction was sought to be made is more than 300 sq meters, whereas, as per Section 114 of Telangana Panchayat Raj Act, 2018, Gram Panchayat is competent to deal with building permission application only if the area is up to 300 Sq meters. He therefore submits that merely because building permission application is submitted to the Gram Panchayat but no decision is made by Gram Panchayat, is not a ground to contend that construction can be made after the prescribed period and Gram Panchayat cannot take action against such illegal construction.

3. It is not disputed that the area where the property of the petitioner is stated to be located was within the limits of Kakatiya Urban Development Authority (for short KUDA) and KUDA alone is competent to deal with such issues. In view of provision in Section 114 of the Act, 2018, as no application is submitted to KUDA, it cannot be said that valid application is made and assuming that within the time prescribed in the Act, the application is not rejected, the petitioner can undertake construction.

4. In the circumstances, writ petition is disposed of granting liberty to the petitioner to file appropriate application to the competent authority seeking building permission to construct compound wall and as and when such application is made, the same shall be considered and disposed of in accordance with law. Accordingly, writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 24-10-2018
TVK



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