

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43479 OF 2018

DATED :03.12.2018

Between :

P.Venkata Rama Rao S/o.Nageswar Rao,
Aged about 36 yrs, Occu : Agriculture,
R/o.Kothapeta, Bangarugudem Village,
Tadepalligudem Mandal, West Godavari District & others.
.. Petitioners

And

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



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Panchayat Raj for 1st respondent and Sri K.K.Durga Prasad, learned Standing counsel for respondents 2 and 3.

2. Petitioners claim to be the residents of Bandarugudem Village, Tadepalligudem Mandal, West Godavari District. They are aggrieved by the action of some of the villagers in undertaking construction of an Arch. According to them, when they came to know that such an Arch is being constructed, they made a representation on 23.11.2018 to the Panchayat Secretary of the Gram Panchayat, to elicit information as to who is undertaking construction of Arch. But no reply is furnished and on the contrary, construction activity is in progress compelling the petitioners to file this writ petition.

3. Though the representation was made on 23.11.2018 and writ petition is filed on 27.11.2018, having regard to the grievance expressed, this Court directed learned Standing Counsel to obtain instructions.

4. Learned Standing Counsel would submit that on 03.10.2018, application was submitted by the villagers to the Gram Panchayat seeking permission to construct an Arch and on consideration of the said request, the Gram Panchayat

passed Resolution on 03.10.2018 granting permission. A photocopy of the Resolution is placed before this Court.

5. Since a Resolution is already passed by the Gram Panchayat authorizing construction of an Arch, it is open to petitioners to challenge the decision of Gram Panchayat before the Appellate Authority i.e., Government under Section 246 of the Panchayat Raj Act, 1994. It is needless to observe that if the appeal is preferred by the petitioners or any other villagers against granting permission to construct the Arch, the Appellate Authority shall consider the same objectively and pass appropriate orders, as warranted by law. The Appellate Authority shall also put on notice persons in whose favour permission to construct Arch is granted. It is also open to the petitioners to request the Appellate Authority to grant stay of further construction, pending consideration of their appeal. If such appeal is filed, the same shall be considered and disposed of within two (2) weeks from the date of receipt of such appeal.

6. With the above observations, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

3rd December, 2018

Note :

Issue c.c. in two (2) days.

B/o.
Rds