

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 46273 of 2018

Date : 20.12.2018

Between:

G Okeswara Reddy S/o Obul Reddy aged about 34 years Occ
Business R/o Yadiki Village and Mandal Ananthapuramu
District Andhra Pradesh State

Petitioner

And

The State of Andhra Pradesh
Rep by its Principal Secretary Panchayat Raj and Rural
Development Department Secratariate Velagapudi Guntur
District & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj for first respondent and Sri G Seshadri learned standing counsel for second respondent.

2. Petitioner claims to be owner and in possession of house comprising of 98 sq yards, bearing No. 4-461, Yadiki village and mandal, Ananthapuramu district. Petitioner claims to have purchased the said property through registered sale deed on 18.7.2018. The existing house was in dilapidated condition and the same was dismantled. With an intention to construct a new house, petitioner submitted application on 22.10.2018 seeking building permission enclosing building plan and necessary challan. Alleging that so far building permission is not granted, whereas respondent Gram Panchayat is obstructing construction activity, this writ petition is filed.

3. Averments in the affidavit filed in support of the writ petition would disclose that according to petitioner building permission application was made on 22.10.2018 and challan was paid on 6.11.2018. Grant of building permission within the Gram Panchayat limits are regulated by A.P. Gram Panchayat Land Development (Lay Out and Building) Rules, 2002. Rule 26 prescribes power to sanction or refuse building permission applied by an individual. Rule prescribes time limit of 15 days to consider and refuse the building permission submitted by individual. According to this Rule, if no orders are communicated by the Executive Authority on sanction or refusal of the permission, it is deemed that permission is granted by the Executive Authority and owner can go ahead with the construction work, provided the same is in accordance

with Rules and owner intimates in writing about undertaking construction activity.

4. If what is contended by the petitioner is true, in terms of provision in Rule 26, it is always open to the petitioner to commence construction, therefore, petitioner cannot complain of interference. However, petitioner is required to intimate the Executive Authority, his decision to commence construction if no refusal order is communicated to him. According to learned counsel for petitioner, no refusal order is communicated.

5. Having regard to the provision in Rule 26, the claim of the petitioner that his application is not considered for construction of new building, merits no consideration. Writ Petition is accordingly dismissed. It is needless to observe that construction has to be within the parameters and as per the application for building permission and this order does not come in the way of Gram Panchayat taking action in accordance with law, if building permission is already rejected or petitioner is undertaking the construction in deviation to the plan and building Rules. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 20-12-2018
TVK

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