

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6463 OF 2019

ORDER:

1 The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents authorities in not allowing the petitioner to renovate the house bearing No.2122/1 Chapididiguva Bhadrachalam Town and Mandal Bhadradi Kothagudem District by way of repairs without issuing any notice or proceedings is illegal and void and opposed to Articles 14, 19, 21 and 300 A of Constitution of India and consequently to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner house in question without following due process of law and pass such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2 Sri Mummaneni Srinivasa Rao, learned counsel for the petitioner, however fairly concedes that the petitioner has not made an application to the Bhadrachalam Gram Panchayat, for necessary permission to undertake repair and renovation of the existing building.

3 Section 114 of the Telangana Panchayat Raj Act, 2018, requires permission being taken from the Gram Panchayat even if any reconstruction or alteration is made to an existing building. Similar is the import of Rule 14 of the erstwhile Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002, promulgated in G.O.Ms.No.67, Panchayat Raj and Rural Development (Pts.IV) Department, dated 26.02.2002, which would be applicable in the State of Telangana.

4 As the petitioner did not make the requisite application, it is not open to her to complain that the Gram Panchayat authorities are not allowing her to proceed further with her proposed renovation.

5 The Writ Petition is accordingly disposed of permitting the petitioner to make an application as prescribed to the Bhadrachalam Gram

Panchayat along with the requisite fee. In the event such an application is made, the Bhadrachalam Gram Panchayat, Bhadradi Kothagudem District, shall consider the same on its own merits and pass appropriate orders. This exercise shall be completed expeditiously and in any event, not later than 15 days from the date of receipt of such application.

6 Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J.

Dt: 27.03.2019

Kvsn

