

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.27872 of 2019

ORDER:

The present writ petition is filed questioning the action of the 5th respondent-Gram Panchayat in issuing notice dated 17.09.2019 whereby the petitioner is directed to remove the old house and debris, within a period of five days from the date of receipt of the notice, on the ground that the house has been included in the list of dilapidated houses as per the resolution of the Gram Sabha, at its meeting held on 12.09.2019, as being illegal, arbitrary and without jurisdiction.

Heard Sri K. Goverdhan Reddy, learned counsel for the petitioner and Sri G. Narender Reddy, learned Standing Counsel for Gram Panchayat appearing for 5th respondent.

The learned Standing Counsel for Gram Panchayat submits insofar as the grievance of the petitioner with regard to laying of road through the property of petitioner as averred in the writ affidavit, the Gram Panchayat has not undertaken the same through the petitioner's property. However, he would submit that since the petitioner's property is old house having mud compound wall, which seems to have fallen off during the last monsoon season, the villagers started using the same as a passage without going around the road abutting remains the petitioner's property. He would further submit that the Gram Panchayat has no claim over the said land.

Insofar as the notice calling upon the petitioner to remove the dilapidated house of the petitioner is concerned, it is seen that the provisions of Section 83 of Telangana Panchayat Raj Act, 2018 does not confer any such power on the Gram Panchayat calling upon the owner of the house either to demolish the house or remove the debris. The power conferred on the Gram Panchayat in terms of the Section 88 of the Act is only with regard to maintaining sanitation and conservancy.

Having regard to such limited powers conferred under the Act, the impugned notice issued to the petitioner calling upon the petitioner to remove the old house within a period of five days from the date of receipt of notice is clearly without jurisdiction and is accordingly set aside.

However, it is made clear that having regard to the provisions of the Act, the petitioner is required to maintain sanitation and conservancy by undertaking periodic cleaning of his old house area to the satisfaction of the Gram Panchayat.

Subject to the above observation, the writ petition is allowed. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

T. VINOD KUMAR, J

Date: 18.12.2019
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