

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6811 of 2020

ORDER:

It is the case of petitioner that he submitted an application along with necessary documents, viz., gift deed, house property tax receipt, a copy of judgment in O.S.No.41 of 1989, seeking permission for construction of additional floors on the existing building and for erection of lift, to the then Secretary of Chunchupalli Gram Panchayat on 08.05.2018. The said application was rejected for submission of proper documents. Thereafter, he submitted fresh application to respondent No.5 - Gram Panchayat of Ramanjaneya Colony, Chunchupalli Mandal, Bhadradri Kothagudem District, on 29.02.2020. It is also his case that he proceeded with the construction in terms of Section 114 of the Telangana Panchayat Raj Act, 2018 (for short 'the Act'). However, respondent No.5 passed order dated 18.03.2020 refusing to grant permission. Questioning the said order, he filed this Writ Petition.

Learned counsel for the petitioner submits that the petitioner constructed the building as far back as in 1996 itself and is having electricity connection and is paying taxes, in spite of which, rejecting the permission for construction is arbitrary and illegal.

In the counter-affidavit filed by respondent No.5, while denying that the petitioner submitted application on 08.05.2018 for grant of building permission, it is asserted that Chunchupally Gram Panchayat was bifurcated on 18.04.2018 and that the subject property would not come under Chunchupally Gram Panchayat and would actually come under Ramanjaneya Colony Gram Panchayat.

It is not in dispute that Chunchupally Gram Panchayat was bifurcated on 18.04.2018 itself. Therefore, the assertion of the petitioner that the application was submitted to Chunchupally Gram Panchayat on 08.05.2018 is false, and the application annexed to the Writ Petition is a fabricated one. It is also not in dispute that the petitioner's application for grant of permission for construction stands rejected. However, the petitioner may submit application afresh. Further, as the petitioner had proceeded with the construction without obtaining permission, there is no embargo on respondent No.5 to take action in terms of the provisions of the Act.

In those circumstances, this Writ Petition is disposed of with the direction to respondent No.5 that as and when the petitioner submits an application afresh for grant of permission for construction on the subject property as required under the

Act, respondent No.5 shall consider the same and pass orders in accordance with law. Till such time, no construction whatsoever could be made by the petitioner. However, respondent No.5 is entitled to take action against the petitioner with regard to the existing unauthorized construction.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

11th DECEMBER, 2020.

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