HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 22689 OF 2020

Between:

Gadipally Mallareddy, S/o Ramchandra Reddy, Aged about 45 years, Occ. Agriculture, R/o. H.No.8-24/51/2, Nangunur Village and Mandal, Siddipet District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Panchayath Raj Department, Secretariat Buildings, Secretariat Hyderabad.
2. The District Collector, Siddipet, Siddipet District.
3. The District Panchayathraj Officer, Siddipet, Siddipet District.
4. The Secretary, Nangunoor Gram Panchayath, Nangunoor, Siddipet District
5. Gadipally Upender Reddy, S/o Late Kista Reddy, Aged about 55 years, Occ. Govt.Teacher, R/o Flat in First Floor, Sarojini Complex, Near MRO Office, Siddipet Town and Mandal, Siddipet District.
6. Shapurapu Srilatha, D/o Mallareddy, Aged about major, R/o Nangunoor Village and Mandal, Siddipet District.
7. Challa Parshireddy, S/o Siddimallareddy, Aged about Major, R/o Nangunoor Village and Mandal, Siddipet District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in nature of Writ of Mandamus declaring the action on the part of the respondents No.3 and 4 in issuing house construction permission for the land bearing H.No.8-35 of Nangunoor Village and Mandal, Siddipet District, eventhough there is civil dispute pending in O.S.No.120 of 2020 on the file of the Principal Junior Civil Judge, At Siddipet without considering, the representation, dated 07/07/2020 as arbitrary, illegal, abdication of the statutory duty cast on them and violative of the fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently cancel the permission, dated 21/08/2020 granted by the respondent No.4 in favour of respondents No.6 and 7.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the permission, dated 21/08/2020 granted by the respondent No.4 in favour of the respondents No.6 and 7, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI SANJEEV GILLELA
Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT
Counsel for the Respondent No.4: SRI G. NARENDER REDDY,
SC FOR GRAMPANCHAYAT

Counsel for the Respondent Nos.5 to 7:-------

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22689 of 2020

ORDER:

Heard learned counsel for petitioner.

Sri G. Narender Reddy, learned Standing Counsel appearing for respondent No.4, submits that taking into consideration the material filed by respondent No.5, permission for construction on the subject land has been granted to him. He further submits that except submitting a representation, the petitioner neither produced material documents nor obtained injunction order from the Court. He also submits that if the petitioner is aggrieved with such permission, there is an effective alternative remedy of appeal provided to him under the Telangana Panchayat Raj Act, 2018 (for short 'the Act'), to the District Collector.

In those circumstances, there being an appeal remedy available to the petitioner with respect to the permission granted to respondent No.5 for making construction on the subject land, as rightly contended by the learned Standing Counsel, and considering the fact that the petitioner has filed only an injunction suit, this Writ Petition is closed granting liberty to the petitioner to avail the remedy of appeal in terms of Section 121 of the Act.

It is made clear that the observations, if any, made by this Court in this order shall not be construed as expressing its opinion with respect to the title over the property or with regard to the right of the petitioner for seeking injunction in his pending suit, which is required to be considered on its own merits.

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

SD/- N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. Sanjeev Gillela, Advocate [OPUC]
2. One CC to Sri G. Narender Reddy, SC for Grampanchayat, Advocate [OPUC]
3. One CC to Sri Praveen, Advocate [OPUC]
4. Two CCs to GP for Panchayat Raj and Rural Development, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

sm

HIGH COURT

DATED:21/12/2020



ORDER

WP.No.22689 of 2020

CLOSING THE WP

WITHOUT COSTS

SJV.
7 copies
Dt 25/01/2021