

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**FRIDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 8833 OF 2023

Between:

1. Kotha Umashankar, S/o. Late Shivannarayana, Age 40 years, Occ. Pvt. Employee, R/o.H.No.4-48, Near Muthyalamma Temple, Damaracherla Village and Mandal, Nagonda District.
2. Mudimala Srinivasa Reddy, S/o. Somi Reddy, Age 41 years, Occ. Pvt. Employee, R/o.H.No.8-43, Damaracherla Village and Mandal, Nagonda District.
3. Vempati Srinivasu, S/o. Pandurangaiah, Age. 46 years, Occ. Business, R/o. H.No.4-55, Damaracherla Village and Mandal, Nagonda District.
4. Parepally Om Prakash, S/o. Chandraiah, Age. 72 years, Occ. Business, R/o. H.No.11-12-350/2/602, Jagadeesh Residency, Kothapet, Saroomagar, R.R. District.
5. Moparthy Vasu, S/o. Sri Hari Rao, Age . 42 years, Occ. Business, R/o. Veerapuram Village, Piduguralla Mandal, Gudur District, A.P.
6. Kunduru Kalavathi, W/o. Venkat Reddy, Age. 55 years, Occ. Home Maker, R/o. Vishnupuram Village, Damaracherla Mandal, Nalgonda District.
7. A. Koteswaramma, W/o. K. Narendra Reddy, Age. 32 years, Occ. Home Maker, R/o.H.No.7-188, Damaracherla Village and Mandal, Nagonda District.
8. E. Saida Rao, S/o. Venkatrao, Age. 45 years, Occ. Business, R/o. Damaracherla Village and Mandal, Nagonda District.

...PETITIONERS

AND

1. The State of Telengana, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat, Hyderabad.
2. The District Panchayat Officer, Nalgonda District.
3. The Divisional Panchayat Officer, Miryalguda, Nalgonda District.
4. The Damaracherla Gram Panchayat, Rep. by its Panchayat Secretary, Damaracherla, Nalgonda 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 the nature of writ of MANDAMUS declaring the action of the Respondents in issuing the notices dated.16-12-2022 to the Petitioners vide Notice Nos.19/GP/DMCL/2021, 14/GP/DMCL/2021, 17/GP/DMCL/2021, 18/GP/DMCL/2021, 15/GP/DMCL/2021, 11/GP/DMCL/2021, 16/GP/DMCL/2021 and /GP/DMCL/2021 without considering their respective applications for extension as illegal, arbitrary, unjust and contrary to the provisions of the Telangana Panchayat Raj Act, 2018 and set aside the same.

I.A.NO:1 OF 2023

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 direct the Respondents not to interfere with the construction on third floor of the petitioners' respective houses in Sy. Nos. 1140, 1131, 1133, 694 (H.No. 7-143), 800, 706, 1131 and 699 situated at Damaracherla Village and Mandal, Nalgonda District, pending disposal of the above writ petition.

Counsel for the Petitioners : M/s.ANNAPURNA SREERAM

Counsel for the Respondents : GP FOR PANCHAYAT RAJ AND RURAL DEV

The Court made the following ORDER

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.8833 of 2023

ORDER:

With the consent of learned counsel for the respective parties, this writ petition is being disposed of at the admission stage.

2. The writ petition is filed for issuance of writ of mandamus declaring the action of the respondents in issuing the notices dated 16.12.2022, to the petitioners *vide* Notice Nos.19/GP/DMCL/2021, 14/GP/DMCL/2021, 17/GP/DMCL/2021, 18/GP/DMCL/2021, 15/GP/DMCL/2021, 11/GP/DMCL/2021, 16/GP/DMCL/2021 and F.No./GP/DMCL/2021 without considering their respective applications for extension of permission as illegal, arbitrary, unjust and contrary to the provisions of the Telangana Gram Panchayat Act, 2018 and consequently prayed to set aside the same.

3. The petitioners have purchased the property through separate registered sale deeds and also submitted separate applications for seeking building permission and impugned show-causes notices were also issued separately to the petitioners. In these circumstances, a single writ petition

against the show-cause notices issued to all the petitioners is not maintainable.

4. At this stage, learned counsel for the petitioners submits that this writ petition is confined to the extent of petitioner No.1 and he sought for withdrawal of the writ petition insofar as petitioner Nos.2 to 8.

5. The learned counsel for the petitioners is permitted to withdraw the petition in respect of petitioner Nos.2 to 8, granting liberty to them to file fresh writ petitions.

6. The present writ petition is confined for granting of relief to petitioner No.1 alone. The 4th respondent has issued show cause notice to petitioner No.1 *vide* proceedings No.19/GP/DMCL/2021, dated 16.12.2022, stating that he had obtained permission for construction of Ground + 2 upper floors but he had constructed Ground + 3 floors and directed him to remove the unauthorized construction. The record reveals that, petitioner No.1 had submitted an explanation on 20.01.2023 seeking extension. Before considering the extension application submitted by petitioner No.1, he had completed the construction.

7. The grievance of petitioner No.1 is that since the respondents have not disposed of the extension application within the time stipulated under the provisions of the Telangana Panchayat Act, 2018, he has proceeded with the construction under deemed provisions of law. Since, the respondents have not granted extension within time, the respondents are not entitled to issue show cause notice directing him to remove the unauthorized constructions.

8. It is settled law that against the show-cause notice, writ petition is not maintainable. However, since petitioner No.1 has submitted an application for extension of permission and also an explanation to the show-cause notice, this writ petition can be disposed of directing respondent No.4 to examine the case of petitioner No.1 for extension of building permission considering the application submitted by the petitioner strictly in accordance with law. Till disposal of the application of petitioner No.1, respondent No.4 is directed not to take any coercive action against the property of petitioner No.1.

9. With the above directions, the writ petition is disposed of. No costs.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The Principal Secretary, Panchayat Raj Department, Secretariat, State of Telengana at Hyderabad.
2. The District Panchayat Officer, Nalgonda District.
3. The Divisional Panchayat Officer, Miryalguda, Nalgonda District.
4. The Panchayat Secretary, Damaracherla Gram Panchayat, Damaracherla, Nalgonda District.
5. Two CCs to GP FOR PANCHAYAT RAJ AND RURAL DEV, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to M/s.ANNAPURNA SREERAM, Advocate [OPUC]
7. Two CD Copies

SA
SB



HIGH COURT

DATED:31/03/2023



ORDER

WP.No.8833 of 2023

**DISPOSING OF THE W.P
WITHOUT COSTS.**

10 vvw
01/5/23
sw