

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 29747 OF 2023

Between:

Poddupodupu Gangareddy, S/o.Rajagangaram, Age 58 years, Occ ; Agriculture,
R/o. 12-29, Rudrangi Village and Mandal, Rajanna-Sircilla District.

.....PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Panchayat Raj Department, Secretariat, Hyderabad.
2. The District Collector, Rajanna-Sircilla District.
3. The District Panchayat Raj Officer, Rajanna-Sircilla District.
4. The Divisional Panchayat Raj Officer, Rajanna-Sircilla District.
5. The Mandal Parishad Development Officer (MPDO), Rudrangi Mandal, Rajanna-Sircilla District.
6. The Mandal Surveyor, Rudrangi Mandal, Rajanna-Sircilla District.
7. The Panchayat Secretary, Rudrangi Gram Panchayat. Rudrangi Mandal, Rajanna-Sircilla District.
8. Chilagani Raju, S/o. Veeraiah, Age 45, Occ ; Agriculture, R/o.Rudrangi Village Rudrangi Mandal, Rajanna-Sircilla 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 7th respondent Gram Panchayat in granting building permission to 8th respondent at Plot No. 11 in Sy.No. 966/B situated at Rudrangi Village and Mandal without considering the objections of the petitioner dated 03.08.2023 and also in violation of Section

114(6) of the Telangana Panchayat Raj, 2018 as being illegal, arbitrary and unjust and also against Principles of Natural Justice and also violative of 300-A of Constitution of India, consequently direct the 7th respondent to the cancel the building permission granted in favour of 8th respondent at Plot No. 11 in Sy.No. 966/B situated at Rudrangi Village and Mandal.

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 No.2 to 5 to consider the representation of the petitioner dated 09-10-2023 in accordance with the provisions of the Telangana Panchayat Raj, 2018 and further direct the 7th respondent Gram Panchayat to stop the ongoing construction of the 8th respondent by considering the objections of the petitioner dated 03-08-2023 pending disposal of the main writ petition.

Counsel for the Petitioner : SRI ALLURI DIVAKAR REDDY

Counsel for the Respondent Nos.1,3&4:GP FOR PANCHAYAT RAJ AND RURAL DEV

Counsel for the Respondent Nos.2 & 6 : G.P FOR REVENUE

Counsel for the Respondent Nos.5 & 7 : SRI P.KISHORE RAO

Counsel for the Respondent No.8 : SRI B.SHANKER

The Court made the following ORDER

THE HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No.29747 of 2023

ORDER:

This writ petition is filed under Article 226 of Constitution of India, seeking the following relief:

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.7-Gram Panchayat in granting building permission to respondent No.8 at Plot No.11 in Sy.No.966/B situated at Rudrangi Village and Mandal without considering the objections of the petitioner dated 03.08.2023 and also in violation of Section 114(6) of the Telangana Panchayat Raj Act, 2018 as being illegal, arbitrary and unjust and also against Principles of Natural Justice and also violative of 300-A of Constitution of India, consequently direct the respondent No.7 to cancel the building permission granted in favour of respondent No.8 at Plot No.11 in Sy.No.966/B situated at Rudrangi Village and Mandal...”

2. Heard learned counsel appearing for the petitioner, and learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondent Nos.1, 3 and 4, learned Government Pleader for Revenue appearing for the respondent No.2

and 6 and Sri P.Kishore Rao, learned Standing Counsel for Gram Panchayat appearing for respondent Nos.5 and 7.

3. The learned counsel appearing for the petitioner submits that this petition is filed by the petitioner questioning the action of the respondent No.7-Gram Panchayat in granting building permission to respondent No.8 at Plot No.11 in Sy.No.966/B situated at Rudrangi Village and Mandal without considering the objections of the petitioner dated 03.08.2023 and also in violation of Section 114 (6) of Telangana Panchayat Raj Act, 2018.

4. The learned counsel appearing for the respondents submits that the petitioner without approaching the Appellant Authority under Section 121 of Telangana Panchayat Raj Act, 2018, filed the instant writ petition and the same is not maintainable and requested to dismiss the writ petition.

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SK,J
W.P.No.29747 of 2023

5. In view of the submissions made by the both sides, without going into merits of the case, this Writ Petition is disposed of by granting liberty to the petitioner to question the building permission granted by the respondent No.7-Gram Panchayat on 19.09.2023 in favour of the unofficial respondents as per Section 121 of Telangana Panchayat Raj Act, 2018 before the appropriate authority within two (2) weeks from the date of receipt of copy of this order.

6. On submitting the said appeal, the Competent Authority is directed to pass appropriate orders as per law by giving opportunity to both sides within eight (8) weeks from thereafter. There shall be no order as to costs.

7. Miscellaneous applications pending, if any, shall stand closed.

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SD/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Panchayat Raj Department, Secretariat, State of Telangana at Hyderabad.
2. The District Collector, Rajanna-Sircilla District.
3. The District Panchayat Raj Officer, Rajanna-Sircilla District.

4. The Divisional Panchayat Raj Officer, Rajanna-Siricilla District.
5. The Mandal Parishad Development Officer (MPDO), Rudrangi Mandal, Rajanna-Siricilla District.
6. The Mandal Surveyor, Rudrangi Mandal, Rajanna-Siricilla District.
7. The Panchayat Secretary, Rudrangi Gram Panchayat. Rudrangi Mandal, Rajanna-Siricilla District.
8. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court for the State of Telangana. [OUT]
9. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
10. One CC to Sri Alluri Divakar Reddy, Advocate [OPUC]
11. One CC to Sri P.Kishore Rao, Advocate [OPUC]
12. One CC to Sri B.Shanker, Advocate [OPUC]
13. Two CD Copies

SA

GJP

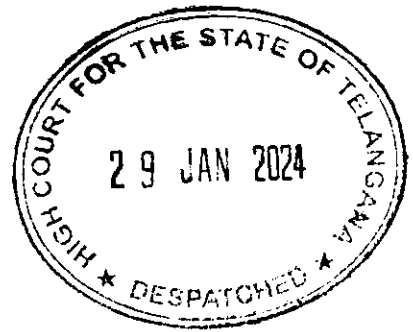
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HIGH COURT

DATED:29/12/2023

ORDER

WP.No.29747 of 2023



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

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