

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

MONDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 34981 OF 2024

Between:

Bachawar Mallesh, S/o Gangaram, Aged 76 years, Occ; Agriculture, R/o H.No.1-87/1, Madan Hipparga Village Dongli Mandal, Kamareddy District.

.....WRIT PETITIONER

AND

1. The State of Telangana, Rep. By its Principal Secretary Panchayat Raj Department Secretariat, Hyderabad.
2. The District Collector, Kamareddy District at Kamareddy.
3. District Panchayat Officer, Kamareddy District.
4. Gram Panchayat Madan Hipparga, Rep. By its Secretary, Madan Hipparga Dongli Mandal, Kamareddy Dist.
5. Dange Narayana, S/o Sayanna, Aged. 58 Yrs, Occ. Agriculture, R/o Madan Hipparga Village, Dongli Mandal, Kamareddy Dist
6. Dange Upendra, S/o Narayana, Aged. 21 yrs, Occ. Agriculture R/o Madan Hipparga Village Dongli Mandal, Kamareddy 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 of Mandamus or any other appropriate Writ, of Writs, order or direction directing the Respondents 1 to 4 to cancel the Building Permission order in Proc. No.14/BP/2024 dated 25/09/2024 issued by the Respondent No.4 pending the suit in O.S.No.28 of 2023 on the file of the Junior Civil Judge, Bichkunda.

I.A.NO:1 OF 2024

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 operation of the building permission order in Proc.No.14/BP/2024 dated. 25/09/2024 issued by the Respondent No.4 in favour of Respondent No.5, pending disposal of the writ petition.

Counsel for the Petitioner : SRI M.V.V.BASWA RAJ

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

Counsel for the Respondent No.2 : G.P FOR REVENUE

Counsel for the Respondent No.4 : SRI R.CHANDRA SEKHAR REDDY

Counsel for the Respondent Nos.5 & 6 : --

The Court made the following ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION No.34981 of 2024

ORDER:

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

"...to issue a Writ of Mandamus or any other appropriate Writ of Writs order or direction directing the Respondents No.1 to 4 to cancel the Building Permission order in Proc.No. 14/BP/2024 dated 25/09/2024 issued by the Respondent No.4 pending the suit in O.S.No.28 of 2023 on the file of the Junior Civil Judge, Bichkunda and be pleased to pass..."

2. Learned counsel for the petitioner submitted that there is a civil dispute with regard to the subject property between the petitioner and respondent Nos.5 and 6, and pending the same, respondent Nos.5 and 6 have applied for building permission and the same was granted to the said respondents on 25.09.2024 for construction of Ground + First Floor. It is further submitted that petitioner has also filed an appeal before the District Panchayat Officer against the building permission granted to respondent Nos.5 and 6 and without prejudice to the same, this writ petition has been filed.

3. Learned counsel for the unofficial respondents appearing through caveat, submitted that the petitioner has

not brought all the relevant facts to the notice of this Court and has filed certain documents along with a memo dated 16.12.2024, according to which respondent Nos.5 and 6 are the owners of the property. However, this Court finds that there is a provision of appeal under Rule 28 of the Telangana Gram Panchayat Land Development (Layout and building) Rules, 2002, under which the District Panchayat Officer may revoke any permission issued under these Rules, whenever it is found that such permission was obtained by fraudulent means or misrepresentation of the facts.

4. Since the writ petitioner has already filed an application before the District Panchayat Officer, on 30.09.2024 and the same is pending for the consideration, this Court deems it fit and proper to direct respondent No.3 herein to consider the same and pass appropriate orders thereon, expeditiously, preferably within a period of three (03) months from the date of receipt of copy of this order. Respondent No.3 shall issue notice to all the relevant parties and give them an opportunity of hearing and thereafter, consider the documents filed by both the parties and shall take a decision. It is also made clear that there is no stay granted by this Court against the

construction permission granted in favour of respondent Nos.5 and 6. This shall also not come in the way of respondent No.3 in passing any interim order to stop the constructions, after hearing both the parties.

5. With the above observations, writ petition is disposed of. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending shall stand closed.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Principal Secretary, Panchayat Raj Department Secretariat, State of Telangana at Hyderabad.
2. The District Collector, Kamareddy District at Kamareddy.
3. The District Panchayat Officer, Kamareddy District.
4. The Secretary, Gram Panchayat Madan Hipparga, Madan Hipparga Dongli Mandal, Kamareddy District.
5. Two CCs to GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI M.V.V.BASWA RAJ, Advocate [OPUC]
8. One CC to SRI R.CHANDRA SEKHAR REDDY, Advocate (OPUC)
9. Two CD Copies

SA
BSK



HIGH COURT

DATED:16/12/2024

ORDER

WP.No.34981 of 2024



DISPOSING OF THE W.P
WITHOUT COSTS.

(13)

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31/1/25