

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.20846 OF 2023

ORDER:

The present Writ Petition is filed seeking the following relief:

"..declaring the action of the 5th Respondent in not considering the legal notice dated 21.02.2023 and the representation dated 08.05.2023 as arbitrary illegal and violative of Principles of Natural justice to dispose of the same and consequently direct the Respondents to grant permission to construct a house in the Petitioners land in accordance with the rules forthwith and to pass.."

2. The short grievance of the petitioner is that the 5th respondent is not considering the legal notice dated 21.02.2023 and the representation dated 08.05.2023 seeking permission for construction of houses in the petitioner's subject land.

3. Heard Ms Aishwarya Nagula, learned counsel for petitioner and Sri G. Venkat Reddy, learned standing counsel for Gram Panchayath .

4. Learned counsel for petitioner contended that, in spite of the legal notice dated 21.02.2023 and representation dated 08.05.2023 made by the petitioner, seeking permission from the Gram Panchayat to construct building in the subject property, the respondent authorities have not acted upon. As such prayed to pass appropriate orders in that regard.

5. On the other hand, learned standing counsel submitted that, the petitioner cannot file such a representation instead he has to file the application as per Section 120 of A.P.Panchayat Raj Act and in terms of G.O.Ms.No.67

dated 26.02.2002 and until such application is filed, the authorities cannot consider the application for sanctioning building permission. He further submitted that, the affidavit does show that the petitioner has made application in accordance with law. As such, no indulgence need to be shown on the petitioner and accordingly prayed to dismiss the petition.

6. In reply, the learned counsel for petitioner submitted that, a liberty may be given to the petitioner to make a proper application in accordance with law and rules in vogue.

7. Taking into consideration the submissions made by both the learned counsel and with their consent, this Court is inclined to dispose of the writ petition at the admission stage itself with the following direction:

(i) The petitioner is at liberty to make proper application in accordance with law for grant of building permission in the subject property.

(ii) On such application, the respondent authorities are directed to consider and dispose of the same in accordance with law and rules in vogue.

Accordingly, the writ petition is **disposed of**. No costs.

Miscellaneous applications, pending if any, shall stand closed.

17.08.2023,
BRS

JUSTICE RAVI CHEEMALAPATI