

[3296]

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

MONDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 33310 OF 2022

Between:

Voggu Sriramulu, S/o. Late Voggu Chinna Mallaiah, Aged about 53 years,
Occ: Govt. Employee, R/o.H.No.4-2-47/1, Dwaraka Nagar, Bandlaguda Jagir,
Rajendra Nagar, Ranga Reddy Dist-500086.

...PETITIONER

AND

1. The State of Telangana, rep. by Principal Secretary to Panchayat Raj and Rural Development Department, Secretariat, Hyderabad.
2. The District Panchayat Raj Officer, Ranga Reddy District At Ranga Reddy.
3. The Mandal Parishad Development Officer, Shankarpally mandal, Ranga Reddy District.
4. The Kothapalli Grampanchayat, Shankarpally mandal, Ranga Reddy District, Rep by its Panchayat Secretary.
5. Voggu Ganesh, S/o. Sattayya Aged about 46 years, Occ- Agriculture, R/o. H.No. 3-21, Kothapally Village, Shankarpally Mandal, Ranga Reddy District-501203

...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 No.2 to 4 not taking any action under the Provisions of the Panchayat Raj Act 2018 through representation dated 20.08.2022 made by the petitioner for demolition of illegal construction carried out by the respondent No. 5, without obtaining the proper permission from the official respondents under the Panchayat Raj Act 2018 and encroaching upon the petitioner part of the agriculture land in Sy.No.147/A/4 situated at Kothapally Village, Shankarpally Mandal, Ranga Reddy District, as bad in law, illegal, arbitrary and violation of the principal natural justice and consequently direct the respondents No.2 to 4 to consider the representation made by the petitioner on 20.08.2022 regard to the illegal constriction was carried out by the un official respondent No.5.

IA NO: 1 OF 2022

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 4 to consider the representation made by the petitioner on 20/08/2022 regard to the illegal constriction was carried out by the un official respondent No.5, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI. MULLANGI RAMI REDDY

**Counsel for the Respondent Nos.1 & 2: GP FOR PANCHAYAT RAJ &
RURAL DEVELOPMENT**

**Counsel for the Respondent Nos.3 & 4: SRI C. KALYAN RAO,
SC FOR GRAM PANCHAYAT**

Counsel for the Respondent No.5: SRI S. SRINIVASA CHARY

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

W.P.No.33310 of 2022

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:-

"...to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS to declare the action of the Respondent Nos. 2 to 4 not taking any action under the Provisions of the Panchayat Raj Act 2018 through representation dated 20.08.2022 made by the petitioner for demolition of illegal construction carried out by the respondent No.5, without obtaining permission from the official respondents under the Panchayat Raj Act 2018 and encroaching upon the petitioner's part of the agriculture land in Sy No.147/A/4 situated at Kothapally Village, Shankarpally Mandal, Ranga Reddy District, as bad in law, illegal, arbitrary and violation of the principles of natural justice and consequently to direct the respondent Nos. 2 to 4 to consider the representation made by the petitioner on 20.08.2022 with regard to the illegal construction carried out by the un-official respondent No 5 and to pass such other order or orders as this Court may deem fit and proper in the circumstances of the case..."

It is the case of the petitioner that he is the owner and possessor of the subject property in Sy.No.147/A/4 situated at Kothapally Village, Shankarpally Mandal, Ranga Reddy District. His contention is that respondent No.5 without obtaining necessary permission from the competent authorities has proceeded with the illegal construction by

encroaching his property and thereby causing inconvenience to him. Further, he made a representation to the respondent No.4 for taking necessary action in accordance with law. It is the grievance of the petitioner that the respondent authorities have not initiated any action under the provisions of the Panchayat Raj Act 2018.

On 29.08.2022 this Court ordered notice before admission. After receipt of the notice, respondent No.5 has filed a counter affidavit stating that he is the absolute owner of the land and he has made an application to respondent No.3 for seeking building permission and he has also made an application to the Revenue Authorities seeking conversion of agriculture land into non agriculture land and respondent No.3 has submitted that they will act accordingly for removal of the illegal construction.

In the facts and circumstances of the case, this Court deems it appropriate to dispose of this writ petition directing the Gram Panchayat to stop the illegal construction if any being carried out by respondent No.5. If respondent No.5 obtains building permission, he shall be

allowed to proceed with, in accordance with sanctioned plan.

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

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Panchayat Secretary, Kothapalli Grampanchayat, Shankarpally Mandal, Ranga Reddy District.
2. One CC to Sri Mullangi Rami Reddy, Advocate [OPUC]
3. Two CCs to GP for Panchayat Raj and Rural Development, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri C. Kalyan Rao, SC for Gram Panchayat [OPUC]
5. One CC to Sri S. Srinivasa Chary, Advocate [OPUC]
6. Two CD Copies

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BS

HIGH COURT

DATED:06/02/2023

ORDER

W.P.No.33310 of 2022



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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[Signature]
21/02/2023