

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT  
HYDERABAD**

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**WRIT PETITION NO.35259 of 2023**

**&**

**WRIT PETITION No.5795 of 2023**

**W.P.No. 35259 of 2023**

**Between:**

Thakur Balarani Bai

**...Petitioner**

AND

1. The State of Telangana, rep. by its Principal Secretary, Panchayat Raj Department, Secretariat Building, Secretariat, Hyderabad and ten others

**...Respondents**

**W.P.No. 5795 of 2023**

**Between:**

Kondeti Saidulu

**...Petitioner**

AND

1. The State of Telangana, rep. by its Principal Secretary, Panchayat Raj Department, Secretariat Building, Secretariat, Hyderabad and nine others

**...Respondents**

**COMMON ORDER PRONOUNCED ON: 03.04.2024**

**SUBMITTED FOR APPROVAL:****THE HON'BLE SRI JUSTICE K.SARATH**

1. Whether Reporters of Local newspapers may be allowed to see the Judgment ? : Yes/No
2. Whether the copies of judgment may be marked to Law Reports/Journals : Yes/No
3. Whether Their Lordship/Ladyship wish to see the fair copy of judgment : Yes/No

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**JUSTICE K.SARATH**

**THE HON'BLE SRI JUSTICE K.SARATH****+WRIT PETITION NO. 35259 of 2023**

%Dated 03.04.2024

# Thakur Balarani Bai

**...Petitioner**

**and**

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# Kondeti Saidulu

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1. \$ The State of Telangana, rep. by its Principal Secretary, Panchayat Raj Department, Secretariat Building, Secretariat, Hyderabad and nine others

**...Respondents**

! Counsel for Petitioners: Sri Rapolu Bhaskar, Learned Counsel for the petitioners in both the petitions

^ Counsel for Respondents: Learned Assistant Government Pleader for Panchayat Raj and Rural Development  
Sri P.Kishore Rao, learned Standing Counsel for Gram Panchayat

< GIST :

> HEAD NOTE :

**? Cases referred :**

**THE HON'BLE SRI JUSTICE K.SARATH**  
**WRIT PETITION Nos.35259 and 5795 OF 2023**

**COMMON ORDER:**

The subject property and the parties involved in both the Writ Petitions are one and the same. Therefore, both the petitions are taken up for hearing and being disposed of by way of this common order by taking Writ Petition No.35259 of 2023 as leading case.

**2.** Heard learned counsel appearing for the petitioners and learned Assistant Government Pleader for Panchayat Raj and Rural Development and Sri P.Kishore Rao, learned Standing Counsel for Gram Panchayat appearing for the respondents and perused the entire material on record.

**3.** Learned counsel appearing for the petitioners submits that the petitioner in W.P.No.35259 of 2023 is Sarpanch for Pedadevulapally, Tripuraram Mandal, Nalgonda District and the petitioner in W.P.No.5795 of

2023 is a Ward Member to the Gram Panchayat of Peddadevulapally Village. Both the petitioners filed these writ petitions questioning the impugned orders passed by the respondent No.4 for granting construction permission to the respondent Nos.10 and 11. In view of the same, both the writ petitions are disposed of by way of passing common order.

**4.** Learned counsel appearing for the petitioners further submits that the grievance of the petitioners is that the respondent Nos.10 and 11 started illegal construction due to which the Gram Panchayat of Pedadevulapalli conducted the Gram Panchayat meeting and passed resolution on 28.05.2022 and directed respondent Nos.4 to 8 to take necessary action against the illegal construction made by respondent Nos.10 and 11. Without considering the resolution passed by the Gram Panchayat, the respondent No.4 issued Impugned Memo No.1863/2023/B3(Pts), dated 12.12.2023 and

directed the respondent No.8 to take appropriate steps to grant permission to the respondent Nos.10 and 11 in spite of pendency of resolution of Gram Panchayat and the same is arbitrary and illegal. The respondent No.4 has no power and jurisdiction to pass impugned proceedings and requested to allow the writ petition by setting aside the impugned orders.

**5.** On the other hand, learned Assistant Government Pleader for Panchayat Raj and Rural Development submits that as per Section 46 (3) and 47 (3) of TPRA, 2018, the respondent No.4 rightly passed impugned orders as majority of the ward members have voted to issue construction permission to the respondent Nos.10 and 11. The Gram Panchayat General Body Meeting was conducted on 25.05.2023, wherein out of total 12 Ward Members, 11 Ward Members were present and 9 Ward Members have agreed to issue permission, but, 2 Ward Members and the Sarpanch have opposed it and the

Sarpanch refused to sign on the resolutions. In view of non resolution of the Gram Panchayat, the matter was referred to the respondent No.4 and a hearing was conducted on 03.10.2023 in the Chambers of the Additional Collector (Local Bodies), Nalgonda, in the presence of Mandal Panchayat Officer, Tripiraram, Panchayat Secretary, Gram Panchayat, Peddadevulapally and Y.Krishna Rao, Site Head, Dr. Reddy's Laboratories Limited, Peddadevulapally.

**6.** Learned Assistant Government Pleader for Panchayat Raj and Rural Development further submits that as per Section 46 (3) and 47 (3) of Telanagana Panchayat Raj Act, 2018, out of 12 Ward Members, 9 Ward Members of the Gram Panchayat, Peddadevulapally of Tripuraram Mandal have voted to issue construction permission to the respondent Nos.10 and 11 as per G.O.Ms.No.67, PR&RD (Pt's.-IV) Department, dated 26.02.2022 and G.O.Ms.No.131, MA & UD (Plg.III)

Department, dated 31.08.2020 and as per the rules in force on 25.05.2023. There is no irregularity in passing of impugned orders by the respondent No.4 and there are no merits and requested to dismiss the Writ Petition.

7. After hearing both sides and perusing the records, this Court is of the considered view that the petitioner in W.P.No.35259 of 2023 is a Sarpanch and W.P.No.5795 of 2023 is a Ward Member of Peddadevulapally, Tripuraram Mandal, Nalgonda District. The respondent Nos.10 and 11 made application for further construction in the said Gram Panchayat. Initially, the Gram Panchayat passed resolution to take appropriate action against the respondent Nos.10 and 11 for illegal construction. Thereafter, the respondent Nos.10 and 11 made application for construction permission and the same was considered by the Gram Panchayat on 25.05.2023. At the time of meeting, out of total 12 Ward Members, 11 Ward Members were present and 9 Ward Members have



agreed to issue permission. But, 2 Ward Members and the Sarpanch have opposed the same and not signed the resolution and the same was reported to the Collector, Panchayat as per Section 47 (3) of Telangana Panchayat Raj Act, 2018. Thereafter, the Collector, Panchayat conducted enquiry on 03.10.2023 and passed impugned orders directing the respondent-Gram Panchayat to grant construction permission to respondent Nos.10 and 11 strictly as per rules.

**8.** The Section 47 (3) of Telangana Panchayat Raj Act, 2018 as follows:

*“The Presiding Authority and Ward Members present shall sign the minutes of the proceedings immediately after conclusion of the meeting. If the Presiding Authority refuses to sign on the proceedings, majority of Ward Members may report the fact to the Collector (Panchayat). The Collector shall after due Minutes of proceedings enquiry pass an order on the validity of such resolution or otherwise.”*

**9.** In the instant case, admittedly, the petitioners have not signed the resolution passed by the majority of the members of the Gram Panchayat on 25.05.2023 and in view of refusal of signature of the petitioner in W.P.No.35259 of 2023 who is the Sarpanch as on that date, the matter was referred to the Collector, Panchayat and the respondent No.4 has powers confirmed under Section 47 (3) of Telangana Panchayat Raj Act, 2018 and after conducting enquiry and personal hearing of the both sides, issued present impugned orders.

**10.** The petitioner is being a Sarpanch cannot stall the permission granted by the majority of the Gram Panchayat and the respondent No.4 followed the provision in Section 47 (3) of Telangana Panchayat Raj Act, 2018 before passing impugned orders. There is no valid ground to entertain the writ petition.

**11.** In view of the same, there are no merits in both the Writ Petitions to interfere with the impugned orders

passed by the respondent No.4 on 12.12.2023 for granting construction permission to the respondent Nos.10 and 11 and the relief sought by the petitioner cannot be granted by this Court under Article 226 of Constitution of India and the same is liable to be dismissed.

**12.** In view of the above findings, both the Writ Petitions are dismissed on devoid of merits. There shall be no order as to costs.

**13.** Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**JUSTICE K.SARATH**

**Date: 03.04.2024**

**Note: LR Copy to be marked**

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