

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.40756 of 2015

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Date: 16.12.2015

Between:

G.Yasodha Bai

.. Petitioner

and

The State of Telangana,
rep. by its Prl.Secretary,
Municipal Administratin Dept.,
Hyderabad and 4 others.

.. Respondents

Counsel for the petitioner: Mr.P.Durga Prasad

**Counsel for respondent No.1: AGP for Municipal Administration
(TS)**

**Counsel for respondent Nos.2 to 5: Mr.Chatla Madhu, SC for
GHMC**

(name to be shown subject to his filing vakalat
within three days)

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to set aside Letter No.103/TPS/Cir 16/NZ/GHMC/2014, dated 13.11.2014, of respondent No.4 whereby he has rejected the petitioner's application, dated 22-12-2014, for grant of building permission in respect of premises bearing No.9-62/3, Temple Alwal, Secunderabad.

Mr.Chatla Madhu, learned Standing Counsel for respondent No.2- Greater Hyderabad Municipal Corporation, has not disputed the fact that one G.Uppuswamy has filed OS.No.1488 of 2012 on the file of the Court of the learned II Additional Senior Civil Judge at L.B.Nagar, Ranga Reddy District, against the petitioner and respondent No.2. He has also not disputed the fact that IA.No.820 of 2012, filed therein for temporary injunction, is still pending.

Though, ordinarily, mere pendency of a civil dispute, in the absence of a restraint order by the Court, does not *ipso facto* preclude the Municipal

Corporation from considering the application for grant of building permission, having regard to the fact that the property in dispute is the subject matter of a civil suit and that the petitioner as well as respondent No.2 are defendants therein, it is not appropriate for this Court to issue a Mandamus directing the respondents to grant building permission to the petitioner by ignoring the pendency of the said dispute. The least the petitioner needs to do before he insists on disposal of his application for building permission, ignoring the pendency of the civil dispute, is to get the IA filed for temporary injunction in the said suit disposed of, so that based on the *prima facie* findings rendered therein, respondent Nos.2 to 4 can take a decision on his application.

In the above view of the matter, the Writ Petition is dismissed, however, with liberty to the petitioner to file a fresh application for building permission after disposal of and subject to the result of the IA filed for temporary injunction in OS.No.1488 of 2012.

As a sequel to dismissal of the Writ Petition, WPMP.No.52618 of 2015, filed by the petitioner for

interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 16th December, 2015
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