

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**THURSDAY, THE FIRST DAY OF OCTOBER TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.32300 of 2015

Between:

Gunacharam Manjula, W/o. Muthyalu,
Aged about 54 years, Occ: Housewife,
R/o. D.No.10-4-231, Mudurula Lane,
Near Doddapuram Street, Tirupathi,
Chittoor District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration and Urban
Development Department,
Secretariat, Hyderabad & 2 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner claims to have purchased house site admeasuring 147 1/3 square yards under registered Sale Deed, dated 29.03.1995, having the boundaries in Survey No.9/2B1 of Tirupathi Village and Municipality, Chittoor District. The petitioner traces the history of flow of title to the petitioner. Out of the said extent purchased by the petitioner, according to the petitioner, he is in possession of 110 1/2 square yards. While so, the petitioner apprehends that the 3rd respondent, claiming himself as owner, has submitted an application for grant of building permission. Objecting to grant such building permission to the 3rd respondent, the petitioner made representation on 29.09.2015 to the Commissioner, Tirupathi Municipal Corporation, Tirupathi, Chittoor District (2nd respondent) and issued a legal notice on 29.09.2015 and on 01.10.2015, this writ petition is filed.

2. *Prima facie* there is no material on record to show that an application is filed by the 3rd respondent for grant of building permission. Be that as it may, the 2nd respondent Municipal Corporation cannot go into the title dispute as per the provisions of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955, and the Rules made thereunder regarding grant of building permission. What is required is *prima facie* satisfaction of the ownership of the person, who is applying for construction of building and once *prima facie* satisfaction is reached, the building permission can be granted subject to fulfillment of other requirements. It is not known whether the 3rd respondent has applied for building permission. The petitioner made representation on 29.09.2015 and issued a legal notice on 29.09.2015 to the 2nd respondent Municipal Corporation not to grant any building permission to the 3rd respondent and the petitioner now rushed to this Court seeking to stay all the proceedings of processing of building permission. It appears that there is a serious dispute regarding the title and ownership and if there is a dispute regarding the title and ownership, the petitioner has to work out his remedies as available in civil law. It cannot be said that there is deliberate inaction on the part of the municipal authorities warranting interference by this Court and the writ petition is liable to be dismissed.

3. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies available in civil law. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 1st October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 1st October, 2015

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