

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15857 of 2015

Dated : 08.06.2015

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Between:

Singireddy Anjireddy S/o.S. Yella Reddy,
Aged about 65 yrs, R/o.D.No.1-9-108/1,
Kushaiguda, Kapra, ECIL Post, Hyderabad

.. Petitioner

And

Greater Hyderabad Municipal Corporation,
rep., by its Commissioner, Tank Bund Road,
Hyderabad, & 3 others

.. Respondents

This Court made the following :

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ORDER :

The petitioner claims to be the owner of land to an extent of Ac.1-28 cents in Survey No.177 of Kapra Village & Municipality, Ranga Reddy District, which has now become part of Greater Hyderabad Municipal Corporation. The petitioner traces the history of litigation where, some illegal transactions have taken place without the consent or approval of the petitioner compelling him to institute O.S.No.750 of 2009 on the file of XVI Additional District Judge, R.R. District, Malkajgiri, wherein the 4th

respondent is also arrayed as a defendant.

2. As evident from pleadings in the affidavit filed by petitioner, claim of the petitioner in the said suit is that the GPA-cum-agreement holder has made illegal transactions without any competency and without the consent of the petitioner. The 4th respondent is the subsequent purchaser. According to the petitioner, the 4th respondent is undertaking construction of permanent building in Plot No.109 in the said survey number. Aggrieved by the same, the petitioner submitted representations to the 2nd respondent on 17.03.2015 and 30.05.2015. But so far the same are not disposed of necessitating institution of this writ petition.

3. As admitted by the learned counsel for the petitioner O.S.No.750 of 2009 is pending consideration of the competent court on the issue of illegal transactions in the land claimed by the petitioner. The representations alleged to have been submitted by the petitioner only deal with such illegal constructions on the ground that the lay out is bogus or sale transaction illegally took place and therefore, the 4th respondent is not entitled to undertake any civil construction. A reading of the said representations do not disclose that the petitioner was complaining to GHMC on making of constructions by the 4th respondent without obtaining due permission as warranted by law. Thus, it is not a case where there is deliberate inaction on the part of the competent authority in acting upon the complaint lodged with them on the allegation of some persons making illegal constructions without obtaining due permission. Therefore, no writ can be issued mandating the respondent-GHMC to comply with the prayer of the petitioner, when no such request was earlier made. Thus, the writ in the present form is not maintainable and is liable to be dismissed.

4. At this stage, learned counsel for the petitioner submits that the petitioner would make a detailed representation on such illegal construction made, which according to the petitioner is without prior sanction or permission and therefore, no such construction can be allowed and such claim of the petitioner has nothing to do with the pendency of the civil suit. Granting liberty to the petitioner to submit a representation, this writ petition is disposed of, at the admission stage and as and when such representation is made, it is needless to observe that the competent authority shall consider the same, in accordance with law, within a time frame and pass appropriate orders as warranted by 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**

8th June, 2015

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