

HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION NO.19594 of 2015

Date: 08.09.2015

Between:

Sri Preetam Chand Kapoor, s/o. late Sri Amir Chand,
Aged 78 years, Occu:Landlord, r/o.H.No.23-6-849/3,
Shalibanda, Hyderabad and others.

.. Petitioners

AND

State of Telangana, rep. by its Secretary, Municipal
Administration Department, Secretariat, Hyderabad
and others

.. Respondents

This Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.19594 of 2015

ORDER:

Petitioners claim to be the owners of the land to an extent of Ac.3.16 acres in Sy.Nos.331, 313 and 314 of Karmanghat Village, Saroornagar Mandal, Ranga Reddy District. Alleging inaction on the part of the respondent corporation against illegal constructions on subject property, this writ petition is filed.

2. Learned counsel for petitioners contends that 6th respondent is illegally entering into the subject property and undertaking construction without obtaining due permissions and such action is illegal and even though a complaint is filed with the respondent municipal corporation against such illegal constructions made by the 6th respondent, no action is taken.

3. Opposing the stand of the petitioners, 6th respondent as well as Municipal Corporation filed counter affidavits.

4. According to the counsel for the 6th respondent, 6th respondent has not undertaking any construction activity and he is not concerned with obtaining of development agreement. According to the learned counsel, M/s.TNR Preston Projects LLP, which is sister concern of the 6th respondent, entered into a development agreement and also General Power of Attorney on 01.05.2015 with the owners of the subject property. According to the learned counsel, petitioners are

disputing ownership of the persons who have entered into development activity with sister concern. If the dispute is about the ownership of the persons who have entered into development agreement with the sister concern, being a civil dispute, petitioners have to work out their remedies elsewhere. He also pointed out that neither developer nor the original owners are arrayed as respondents herein and unnecessarily 6th respondent is dragged into the litigation though he is no way concerned with the subject property.

5. Learned counsel further submits that this writ petition is also liable to be dismissed on the ground of non-joining of necessary and proper parties i.e., owner of the property against whom the rival claim is made and developer who has entered into development agreement with the alleged owners.

6. As per the complaint filed by the petitioners, a field inspection was conducted and in the field inspection, it was noticed that no construction activity is going on. According to the reports of the municipal corporation, no application was filed seeking permission for undertaking construction and no construction activity is taking place. However, when it was noticed that some excavation work was going on, the municipal corporation authorities have also directed not to do excavation work and the same was stopped. Learned standing counsel also states that there appears to be a serious dispute regarding ownership of the subject property and petitioners have to avail civil remedies.

7. As seen from the averments of the counter affidavit, no building activity is going on as alleged and false complaint is made only to prevent taking up construction activity. Insofar as Municipal Corporation is concerned, as no construction activity is taking place, there is no justification to allege that it is keeping quiet and not acting upon the complaint filed by the petitioners. In fact on the complaint

filed by petitioners, appropriate action was taken; field inspection was conducted and the Municipal authorities found that no construction activity was taking place. Thus, no case is made out to grant relief prayed. With reference to the *inter se* dispute of title, petitioners have to avail remedy as available in Civil law. The writ petition is accordingly dismissed.

Miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date : 08.09.2015

kkm

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 19594 of 2015

Date: 08.09.2015

kkm