

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 2915 OF 2015

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ORDER :
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The petitioners have challenged endorsement on the proceedings of the first respondent dated 27.01.2015, wherein the 2nd respondent was asked to comply certain conditions for grant of permission for construction of 67 villas.

The main thrust of the case of the petitioners is that they have filed R & T M.P.No.55 of 2014 in R & T No.51 of 2014, wherein this Court granted order of status quo on 17.01.2014 and that in view of the same, the 1st respondent Corporation should not have granted permission for construction vide endorsement proceedings dated 27.01.2015 in favour of the 2nd respondent.

Heard learned counsel for the petitioners, learned Standing Counsel for the 1st respondent Corporation, learned counsel for the 2nd respondent.

Learned counsel for the petitioners has reiterated the contentions made in the writ affidavit.

Sri S.Lakshminarayana Reddy, learned Standing Counsel for the first respondent submits that the Court below has not granted any injunction restraining the 1st respondent to grant construction permission in favour of the 2nd respondent, but only an order of *Status quo* was granted by this Court in R & T M.P.No.55 of 2014 in R & T No.51 of 2014 on 17.01.2014. He would further contend that the first respondent Corporation cannot have any power either to decide the questions of title and possession. In support of his contention, he relied on the judgment in W.P.No.29560 of 2010 dated 21.03.2011 and judgment reported in **T.Rameshwar v. Commissioner, Municipal Corporation of Hyderabad and others**^[1]. He would further contend that

when earlier W.P.No.3123 of 2014 was disposed of on 11.12.2014, and thereafter also, the petitioners have not submitted any objection when the impugned order was passed. Subsequently, the petitioners have made an objection by way of representation to the 1st respondent only on 28.01.2015 and it is yet to be taken into consideration while granting final orders regarding grant of construction permission.

Since the objections are placed before the first respondent by the petitioners and since final construction permission is to be granted by the first respondent, I deem it proper and appropriate to direct the first respondent to consider the objections raised by the petitioners before granting final construction permission, by taking into consideration the judgments relied on by the learned counsel for the first respondent Corporation.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

19.02.2015.
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Date: 19-02-2015

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