

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8808 OF 2015

ORDER:

This petition is filed for a writ of *Certiorari* seeking to quash the proceedings of the 2nd respondent bearing No.708/CSC/TP-7/2005-13(Suppl.-COU)/2695, dated 30.12.2014, and consequently to declare the construction permission granted in favour of the 3rd respondent, as illegal and arbitrary and to set aside the same and for a consequential direction to the 3rd respondent not to make any construction.

The case of the petitioners is that the 3rd respondent without having any right or title in the subject church property claiming the same as its property, obtained construction permission from the 1st respondent Corporation for carrying out certain constructions and alterations in the premises of the Church and also commenced construction work on the basis of the permission granted by the 1st respondent on 16.10.2008. It is also stated that the 3rd respondent also filed certain suits against the petitioner. Thereafter, in pursuance of the orders passed in WP.No.37213 of 2013, petitioners submitted representation enclosing supporting documents in substantiation of its title to the said property. But, the 2nd respondent by impugned order dated 30.12.2014, rejected the representation of the petitioner. Aggrieved by the same, present writ petition is filed.

Learned Standing Counsel for the respondent Corporation submits that the representation of the petitioners for cancellation of permission granted in favour of the 3rd respondent, is considered and rejected. She also submits that the authorities of the respondent Corporation would see only prima-facie title to the property, while granting construction permission. She further submits that if the petitioners have any grievance they have to approach the Civil Court.

Learned counsel for the 3rd respondent submits that the validity of the permission expired and constructions have been made.

This Court in WP.No.12258 of 2014 held that if the petitioner has any claim as to the property in respect of which the permission has been sought by respondent No.3 for construction, the petitioner is at liberty to approach the competent Civil Court for adjudication of his right, title and interest in the said property and seek appropriate relief from the Civil Court. The petitioner cannot challenge the same in writ proceedings.

In view of the same, I do not see any merits in the writ petition. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.04.2015

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