

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37149 of 2015

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16.11.2015

Between:

Gurram Srinivas

.. Petitioner

and

The Greater Hyderabad Municipal Corporation, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Lakshman Rao for Mr.C.M.R.Velu

Counsel for the respondents: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside, letter No.45752/TPS/C-18/NZ/GHMC/W6/2015, dated 04.11.2015, of respondent No.2, whereby he has rejected the petitioner’s application for sanction of building permission.

I have heard Mr.K.Lakshman Rao, learned counsel representing Mr.C.M.R.Velu, learned counsel for the petitioner, and perused the record.

A perusal of the impugned letter, dated 04.11.2015, shows that respondent No.3 has filed O.S.No.126 of 2015 in the Court of learned I Additional Chief Judge, City Civil Court, Secunderabad, for declaration of title in respect of the property for which the petitioner has submitted application for grant of building permission. Though respondent No.2 is not expected to delve into the title, it will suffice if he examines the application for being *prima facie* satisfied with the title. When there is a serious dispute relating to the title and a suit for title is pending before the Court of competent jurisdiction, it is always desirable that the building permission is not granted till such dispute is settled or at least the Court grants an appropriate order either in the pending suit or in a fresh suit facilitating the petitioner to obtain building permission.

In the above view of the matter, I do not find any illegality or arbitrariness in the approach of respondent No.2 in rejecting the petitioner’s application for grant of building permission on the ground of pendency of the suit for title.

The Writ Petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.47824 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

16th November, 2015

GHN