

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20503 of 2015

Dated : 07.07.2015

Between:

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Namala Venkata Rao S/o.N.Satyanarayana,
Aged about 22 yrs, Occu : Student,
Resident of D.No.34-14-37, Manual Street,
Gnanapuram, Visakhapatnam - 530004

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Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration Department,
A.P. Secretariat, Saifabad, Hyderabad & 4 others

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Respondents

This Court made the following :

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ORDER :

The petitioner claims to be the resident of D.No.34-14-37, Manual Street, Gnanapuram, Visakhapatnam District and is pursuing study in Engineering. The petitioner claims that his father and three brothers of his father who are respondents 3 to 5 herein, have jointly purchased the property consisting of 300 Square yards on 30.09.1985. In terms of the said purchase all the four brothers are joint owners. The father of the petitioner has executed a registered gift deed of his undivided share in favour of the petitioner on 21.08.2007 and in the said manner the petitioner has also become a joint owner of the said property. While so, his three paternal uncles have declared themselves as owners by forging the signatures of his father and obtained building permission and are undertaking construction. Having come to know of such illegal grant of permission, the petitioner filed a complaint before the respondent-Corporation on 06.04.2015 complaining of illegal permission granted by the authorities without regard to relevant and true facts regarding the ownership and title of the property in issue. A detailed representation was submitted on 27.05.2015 to the Assistant City Planner, Zonal Office-IV, GVMC, Gnanapuram, Visakhapatnam and the said representations are yet to be acted upon by the respondent-Corporation.

2. In the meantime, the respondents 3 to 5, herein have filed O.S.No.202 of 2015 which is pending on the file of I-Additional Junior Civil Judge, Visakhapatnam, praying to grant simple injunction. An *ad-interim* injunction was granted restraining the petitioner herein, from interfering with the peaceful possession and enjoyment of the said property. After obtaining the said injunction, the respondent-

Corporation is also arrayed as a defendant.

3. Learned Standing counsel, on instructions, submits that having come to know that an injunction order is granted by the civil Court and as there is a dispute pending concerning the property in issue, the Corporation directed the respondents 3 to 5 not to undertake any further construction.

4. Having regard to the fact that the complaint filed by the petitioner against illegal permission obtained by respondents 3 to 5, is pending consideration with the respondent-Corporation, without expressing any opinion on merits, this writ petition is disposed of, directing the 2nd respondent to consider the complaint and pass appropriate orders as warranted by law. The 2nd respondent shall cause notice in advance on respondents 3 to 5 and also the petitioner and fix a date for hearing and afford personal hearing. The petitioner is also entitled to submit all the documents in support of his claim. The entire exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that no opinion is expressed on merits on *inter se* dispute between the petitioner and respondents 3 to 5 regarding ownership and title, which is subject matter of O.S.No.202 of 2015.

5. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**P.NAVEEN
RAO,J**

07th July, 2015.

Note : Issue C.C. in one week.

B/o.
Rds