

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**WEDNESDAY, THE TWENTY THIRD DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.21745 of 2015

Between:

Nainee Seetha Ram Reddy,
S/o. Late Sanjeeva Reddy,
Aged 67 years, Occ: Agriculture,
R/o. Mahabubabad Village and Mandal,
Warangal District & 2 others

.. Petitioners

AND

The State of Telangana,
Rep. by its Secretary,
Municipal Administration and
Urban Development Department,
Secretariat, Hyderabad & 5 others

.. Respondents

The Court made the following:

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ORDER:

This writ petition is filed by the petitioners alleging that the 5th respondent is undertaking construction of the building without obtaining appropriate permission on a plot of land, which belongs to the petitioners. According to the petitioners, the land belongs to them and they have succeeded before the competent Court. Decree was granted in favour of the petitioners in O.S.No.559 of 2005, on the file of the Principal Junior Civil Judge, Warangal, against the 4th respondent and A.S.No.31 of 2011, filed by the 4th respondent challenging the decree in O.S.No.559 of 2005 was also dismissed by the Court of Principal District Judge, Warangal, by judgment, dated 14.12.2011. Thus, the decree has become final. The 5th respondent purchased the land from the 4th respondent, who did not have title and, therefore, the title did not pass on to the 5th

respondent.

2. Earlier, the matter was adjourned for obtaining instructions. After the adjournment, when the matter was listed, the learned counsel for the petitioners stated before the Court that during the interregnum period, the building permission was granted even though the writ petition is pending and the matter was adjourned at the instance of the respondent Corporation. Having regard to the said statement, the learned Standing Counsel was directed to produce records. The records are produced. As seen from the records, the building permission application was filed much earlier. The acknowledgement is dated 20.06.2015 and the inspection was conducted on 04.07.2015 and a proposal was made for grant of building permission and competent authority has approved the proposal on 04.07.2015. It is, thus, seen that much before the writ petition is instituted, the decision to grant building permission was taken. Thus, it is not a case where the respondent Corporation has acted deliberately after the writ petition was filed and adjournment was granted at the instance of the respondent Corporation.

3. Thus, the relief sought in the writ petition does not survive and the writ petition is liable to be dismissed. However, if the petitioners are aggrieved by grant of building permission to the 5th respondent, it is open to the petitioners to work out their remedies as available in law.

4. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 23rd September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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