

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37793 of 2015

Date:20.11.2015

Between:

M/s Uma Constructions, repled by
its Managing Partner-P.Nagarjuna

..... Petitioner

And:

The State of Telangana, repled., by its
Principal Secretary, Municipal Administration
and Urban Development
Department, Hyderabad and ten others.

.....Respondents

Counsel for the Petitioner: Mr. N.Ranga Reddy

Counsel for Respondent No.1: AGP for Municipal Administration (TS)

The Court made the following:
ORDER:

This Writ Petition is filed with the grievance that respondent Nos.2 to 4 have not been considering the plea of the petitioner to cancel the building permission granted to respondent No.6, allegedly on the latter's misrepresentation.

A perusal of the pleadings of the petitioner would show that a civil suit filed by it against respondent No.5, who sold a part of the property to respondent No.6, is pending and temporary injunction was secured by it against respondent No.5. The petitioner pleaded that with a view to overcome the legal proceeding initiated by it, respondent No.5 sold a part of the property to respondent No.6, which obtained building permission from respondent No.2 for construction of a multi storied building by misrepresenting the fact that a 30 feet road is in existence and that in fact, no such road is in existence.

In my opinion, this litigation is an off-shoot of the civil disputes between the petitioner on one side and respondent No.5 on the other and such a dispute is sought to be given the colour of a public law dispute. If respondent No.6 has obtained building permission by misrepresentation, nothing prevents the petitioner from impleading the said respondent to the pending civil suit filed by him and seek invalidation of the building permission granted by respondent No.2. Instead of taking recourse to such a legal process, the petitioner has indulged in multiplicity of proceedings by filing this Writ Petition invoking the extra-ordinary jurisdiction of this Court under Article-226 of the Constitution of India. Hence, I am not inclined to entertain this Writ Petition for adjudication on merits. The petitioner is, however, permitted to claim appropriate relief against respondent No.6 in the pending suit.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.48611 of 2015 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

20th November, 2015

DR