

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

WRIT PETITION No.23005 of 2015

Between:

G. Sudharani, W/o. G. Sureshababu,
Aged about 42 years, Occ: Housewife,
R/o. D.No.4-317-B, Lakshmitowers,
Sriramulapeta, Tadipatri Town,
Anantapur District.

.. Petitioner

AND

The State of A.P.,
Rep. by its Principal Secretary,
Municipal Administration,
Secretariat Buildings,
Hyderabad & 7 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 24.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23005 of 2015

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ORDER:

The petitioner claims to be the owner and possessor of the property bearing Plot Nos.14 and 17, admeasuring 666.66 square yards, out of Ac. 1.83 cents, in Survey No.233/3, Patta No.60, Paimashi No.464 of Padmavathipuram Gram Panchayat, Tiruchanur Village, Tirupati Rural Mandal, Chittoor District, having purchased the same under a registered Sale Deed, dated 27.09.2014. The petitioner also traces the history of passing on the title. The petitioner further contends that when respondents 5 and 6 tried to interfere with the possession of Dr. R. Narasimham Pillai, who is the vendor of the petitioner's vendor, Dr. R. Narasimham Pillai filed O.S.No.354 of 2013, which is pending on the file of the I Additional Junior Civil Judge, Tirupati, and an injunction order was granted by the said Court. It is further averred that alleging illegal interference, the petitioner also filed O.S.No.62 of 2014, which is pending on the file of the III Additional District Judge, Tirupati. Learned counsel for the petitioner fairly submits that no injunction order is granted by the concerned Court. While so, building permission is granted by the Tirupati Urban Development Authority to the 7th respondent on 02.01.2015 and the 7th respondent started constructing apartments. The petitioner further alleges that by obtaining such building permission, the petitioner was illegally

dispossessed and the 7th respondent commenced construction. The petitioner also alleges that respondents 7 and 8 have obtained Sale Deed clandestinely before applying for building permission.

2. The above averments would disclose that there is a serious dispute regarding the ownership. Apparently, the 7th respondent obtained building permission based on the Sale Deeds relied upon by him and on the basis of the said documents, permission was granted. It is not a case where illegal constructions are taken up without due permissions. Whether the person who obtained the permission has a valid title or he has indulged in fabricating or obtaining forged documents are matters which cannot be gone into in writ proceedings. More over, as averred in the affidavit filed in support of this writ petition, the vendor of the petitioner's vendor instituted O.S.No.354 of 2013, which is pending on the file of the I Additional Junior Civil Judge, Tirupati, and the petitioner also instituted O.S.No.62 of 2014, which is pending on the file of the III Additional District Judge, Tirupati. Since these suits are pending, the petitioner has to work out his remedies by prosecuting the said suits. I do not see any error in granting of permission by the Tirupati Urban Development Authority warranting interference of this Court.

3. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies as available in law. 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: 24th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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