

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

WRIT PETITION NO.28007 OF 2015

DATED:02-12-2015

Between:

D. Jyothi ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary to the
Panchayat Raj Department
Secretariat Buildings
Hyderabad
and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. K. Venumadhav

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Panchayat Raj (TS)

COUNSEL FOR RESPONDENT NO.2: Mr. N. Praveen Kumar

THE COURT MADE THE FOLLOWING:

ORDER:

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Letter No.G1/106/BP/RANP/2014-15, dt.13.08.2015, of respondent No.2, whereby it has refused to grant building permission to the petitioner on the ground that there is no clarity on the classification of the land, is assailed in this writ petition.

Though, ironically the cryptic endorsement of respondent No.2 that there is no clarity on classification of land itself lacks clarity, however, some clarity is sought to be lent to the said endorsement in the counter affidavit filed by the Commissioner of respondent No.2 Nagar Panchayat. In paragraph 5 of the counter affidavit, he has *inter alia* stated as under:

"It is submitted that in reply to para No.5 and 6, the then Gram Panchayat has approved 2 layouts, i.e., one layout is consisting of Sy.No.47, 48 and 64/1 and another layout is for Sy. No.64/2, 64/3 and 67. It is fact that this office has accorded (2) building permissions in Plot No.26 – West Part & 27 and Plot No.48 of Sy. No.47, 48 based on the LRS proceedings issued by the HMDA vide Proceedings No.4195/LPS/ZO-1/GTKR/H/2013, dt.28.08.2013."

From the above mentioned paragraph, it is clear that respondent No.2 has already accorded two permissions for construction of building in respect of plot Nos.26, 27 and 48 based on Layout Regularization Scheme proceedings. This being the position, I do not find any reason for not extending the same benefit to the petitioner. Further, the counter affidavit has not given the details of the purported appeal pending before the Joint Collector, Ranga Reddy District. At any rate, mere pendency of a case between two private parties does not deter the competent authority to grant permission.

From the averments of the counter affidavit, it is understood that respondent No.2 wants to be *prima facie* satisfied about the title of the petitioner. Therefore, the petitioner is permitted to submit the

documents of title before respondent No.2 in order to establish that the same is not a Government land, but a private land. Respondent No.2 shall thereupon reconsider the petitioner's application and grant building permission, if she is able to *prima facie* satisfy her title over the property.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.36329 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

02-12-2015

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