

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4887 OF 2015

ORDER:

This writ petition is filed questioning the impugned proceedings in BA.No.1388/2014 of G7, dated 08.01.2015 issued by the 2nd respondent granting permission in favour of 5th and 6th respondents for construction in R.S.No.4/1 near D.No.3-1-291/16B situated at Kabala Road, Vidayadarapuram, though civil disputes are pending.

The case of the petitioner is that he has entered into agreement of sale with one Gottem Venkateswara Rao @ Venkateswarlu to purchase the schedule property for valid consideration and also paid the substantial amounts. It is also stated that the said Gottem Venkateshwara Rao though received the balance sale consideration under the sale agreement dated 27.09.2006, did not come forward to execute the regular registered sale deed in favour of the petitioner. As such, the petitioner has filed a suit for specific performance in O.S.No.138/2007 and thereupon the matter was compromised before the Lokadalat on 12.09.2007. Meanwhile, the said Venkateshwara Rao expired on 09.09.2010 and the petitioner approached his legal heirs for execution of the registered sale deed. While so, the 5th and 6th respondents grabbed the suit schedule property and are trying to make constructions in the said property. Immediately, petitioner made an application under RTI Act through his counsel to the 2nd respondent and the 2nd respondent vide proceedings dated 30.07.2013 informed the petitioner that no permissions were granted for construction in the said property. Later, contrary to the proceedings dated 30.07.2013, the 2nd respondent informed the petitioner that he has issued construction permission to the respondents 5 and 6 vide proceedings dated 08.01.2015. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the vendors of the petitioner have filed O.S.No.250/2010 and when the same is pending, the respondents ought not have issued building permission to the respondents 5 and 6.

On the other hand, learned Standing counsel for respondent-Corporation submits that basing on the registered sale deeds and after satisfying with the *prima facie* title of the respondents 5 and 6, the competent authority granted permission in favour of the respondents 5 and 6 and it is for the petitioner to approach the Civil Court to establish the same.

Learned counsel for the respondents 5 and 6 submits that the respondents 5 and 6 have obtained construction permission by filing necessary documents of title. He further submits that the vendors of the petitioner filed interlocutory application for injunction in O.S.No.250/2010 and the same is also dismissed.

The present writ petition is filed questioning the impugned proceedings dated 08.01.2015 issued by the 2nd respondent on the ground that though civil dispute is pending before the Civil Court against the subject property, the 2nd respondent granted permission to respondents 5 and 6 relying on the documents produced by them. Further, though the issues raised by the petitioner in the writ petition are pertaining to the question of title of the subject property, the Municipal authorities cannot decide the same and it is for the petitioner to establish the same in the Civil Court. More so, granting of permission does not confer any title and any permission granted will always be subject to decision of the Civil Court. In similar circumstances this Court in W.P.No.12258 of 2014 held that once the permission is granted, it is for the parties to approach the Civil Court for adjudication of their right, title and interest in the subject property.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

A.RAJASHEKER REDDY, J

06.03.2015

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