

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

WRIT PETITION NO.24456 of 2015

Between :

Gutta Satyanarayana Rao,
S/o.Late Subba Rao, Aged about 78 yrs,
R/o.N.R.P. Road, Satyanarayanapuram,
Vijayawada, Krishna District,
Rep., by its GPA Holder M.Sudhakar,
S/o.Devadanam, Aged about 47 yrs.

.. Petitioner

and

State of Andhra Pradesh,
rep., by its Principal Secretary,
Department of Municipal Administration,
A.P. Secretariat, Secretariat Buildings,
Hyderabad & others

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 06.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
 may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
 marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
 see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.24456 of 2015

ORDER :

The petitioner claims to be the owner of property to an extent of 266.3/9 square yards in Giripuram, Mogalarajpuram, Vijayawada City and Mandal, Krishna District, Revenue Ward No.9 & 11, NTS No.804/2 and 32/A-1B, Block No.19 and 2, having purchased the same by registered sale deed dated 16.04.1983. The petitioner alleges that the respondents 3 and 4 have illegally grabbed the land of the petitioner. Aggrieved thereby, the petitioner filed LGOP. No.298 of 2013 pending on the file of Principal District Judge, Krishna cum-A.P. Land Grabbing (Prohibition) Tribunal at Machilipatnam. The said LGOP was allowed exparte on 10.04.2015. However, contending that the LGOP was allowed by an exparte order, the respondent therein (4th respondent herein) filed I.A.No.230 of 2015 to set aside the exparte order and the same is pending consideration of the Tribunal. While so, alleging that the respondents are making illegal construction by encroaching into the property of the petitioner, a legal notice was issued on 24.07.2015 to the 2nd respondent. Alleging no further action was taken, this writ petition is filed.

2. As seen from the averments in the affidavit filed in support of this writ petition, the material papers enclosed, and as

fairly submitted by the learned counsel for the petitioner, it is not a case where construction is being made by the party-respondents without approval by the respondent-Corporation. Thus, once building permission is granted to the persons in whose favour the permission is granted, is entitled to undertake construction as per the permission granted and once the permission is granted, the Corporation cannot stop the construction.

3. Furthermore, the allegation in the writ petition is that the party-respondents, have encroached into the land of the petitioner and construction is being made. The said issue is pending consideration before the Land Grabbing Tribunal, and unless that issue is resolved, that cannot be a ground for setting aside the building permission granted. Thus, the relief as sought for, by the petitioner in this writ petition cannot be granted and therefore, the writ petition is liable to be dismissed and it is accordingly dismissed. However, it is made clear that since the petitioner has already filed the LGOP, in fact it was allowed and an application was filed to set aside the exparte order, it is open to the petitioner to move the Tribunal for expeditious disposal of the said application. The dismissal of this writ petition does not come in the way of the petitioner seeking such a request. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

P.NAVEEN RAO,J

06th August, 2015.
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