

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

Writ Petition No.36626 of 2015

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Dated 12th November, 2015

Between:

N.Narasimha Rao and others

...Petitioners

And

The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam
and others

...Respondents

Counsel for the petitioners: Sri M.Kesava Rao

Counsel for respondent No.1: Sri S.Laxmi Narayana Reddy

Counsel for respondent No.2: AGP for Municipal Administration (AP)

Counsel for respondent No.4: Sri M.Radha Krishna

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to set aside order, dated 26.09.2015, in Rc.BA.No.15822/2013/ACP-IV, of respondent No.1, whereby he has cancelled the building permission granted to the petitioners in purported exercise of his powers under Section 450 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

I have heard Sri M.Kesava Rao, learned counsel for the petitioners; Sri S.Laxmi Narayana Reddy, learned Standing Counsel for GVMC, and Sri M.Radha Krishna, learned counsel appearing for respondent No.4.

A perusal of the impugned order shows that the only ground on which the building permission granted to the petitioners by respondent No.1 was cancelled was that comparison of the signatures of respondent No.3 on the gift deed executed in favour of his son/respondent No.4 and on the plan submitted by the petitioners containing his purported signature shows that the latter signature does not belong to respondent No.3.

In my considered opinion, the question whether the signatures on the application presented by the petitioners for grant of building permission belong to respondent No.3 or not does not fall within the realm of adjudication by respondent No.1, as the findings on such questions should be rendered based on oral and documentary evidence that may be adduced by both the parties and also on the opinion of the expert, if the adjudicatory body feels that such an opinion is required. The only competent forum to adjudicate such disputed questions is the civil Court of competent jurisdiction. Respondent No.1 has, thus, arrogated to himself the power of a civil Court. On this short ground alone, the impugned order is set aside. However, respondent Nos.3 and 4 are left free to approach the civil Court of competent jurisdiction for claiming appropriate relief.

Subject to the liberty given to respondent Nos.3 and 4 as above, the writ petition is allowed.

As a sequel to disposal of the writ petition, WP.M.P.No.47186 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

12th November, 2015

VGB