

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.13345 of 2012

ORDER:

1. The petitioner claims that he purchased the property to an extent of 626 square yards bearing H.No.7-134/5 in Sy.No.51/3 situated at Mansoorabad village, Saroornagar Mandal, Ranga Reddy District, by an agreement of sale dated 24.07.1992 and the vendor executed a GPA in favour of the petitioner's wife and got it registered on 16.07.1992. The vendor of the petitioner in turn purchased the property from its owners under a registered sale deed dated 22.07.1987. The petitioner also applied for regularization of his plot on 27.08.2008 and the same was pending consideration. When respondents 3 to 6 applied for building permission and were proceeding with the construction, the petitioner submitted a representation to respondents 1 and 2 requesting them not to sanction or accord any building permission in respect of the said property. They also filed O.S.No.926 of 2011 on the file of the II-Additional Senior Civil Judge, Ranga Reddy District against the petitioner claiming that the property was purchased by them from one Maqbool on 05.05.2004. In those circumstances, the present writ petition was filed challenging the action of respondents 1 and 2 in granting building permission to respondents 3 to 6.

2. A counter-affidavit was filed on behalf of respondents 3 to 6 stating that building permission was granted on 08.06.2011. It was

further stated that the petitioner is claiming relief in respect of 624 square yards bearing H.No.7-134/5 in Sy.No.51/3 but not in respect of 600 square yards in Sy.No.51/2 situated at Mansoorabad village, Saroornagar Mandal, which the respondents 3 to 6 are claiming. The plot claimed by the petitioner is different from the plot claimed by respondents 3 to 6. Respondents 3 to 6 also applied for regularization of their plot and it was sanctioned on 27.04.2011. The said Maqbool is an agreement holder of the vendor of respondents 3 to 6 and he filed O.S.No.933 of 2000 on the file of the Principal Junior Judge, Ranga Reddy District against one Y.Sukumar Reddy, who is none other than the brother-in-law of the petitioner, and a decree was passed on 02.03.2002 as he remained ex parte.

3. Learned Standing Counsel for respondents 1 and 2 submits that no building is constructed after granting permission on 08.06.2011 and as such the building permission is lapsed.

4. In the circumstances, without expressing any opinion on the merits of the case, respondents 1 and 2 are directed to consider the application of the parties for building permission, in case they filed such an application, depending on the decrees passed by the competent Civil Court and by considering the representation of the parties, no further adjudication is required in the present writ petition in view of the stand taken by respondents 3 to 6 that the land claimed by them is different from the land claimed by the petitioner. However, in view of the pendency of the Civil Suits, if

there is any dispute with regard to the title, it had to be gone into by the Civil Court only, but it cannot be decided in the present proceedings.

5. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

25-10-2016
Gsn

