

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40278 of 2016

Date: 22.11.2016

Between:

Parvath Bhagwanth Reddy s/o Padma Reddy,
Aged about 25 years, Occu: Agriculture,
R/o. H.No.4-1-50, Anmagal Village,
Hayatnagar, Ranga Reddy District.

.....Petitioner

and

The State of Telangana, rep.by its Principal
Secretary, Municipal Administration & Urban
Development Department, Secretariat,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

According to the petitioner, representation was submitted to the Deputy Commissioner on 29.08.2016 requesting him not to grant building permission in Sy.Nos.136, 381 and 382 of Anmagal Village. Alleging inaction on the part of the respondent Municipality in not considering the representation filed by the petitioner, this writ petition is filed.

2. Petitioner claims that his grand father was the absolute owner and inamdar of agricultural land in Sy.No.136, admeasuring Ac.25.07 gts., in Anmagal Village, Hayathnagar Mandal, Ranga Reddy district. Petitioner apprehends that some persons are now seeking to obtain building permission and undertake construction in the subject property and in such an event grave prejudice would be caused to him.

3. The averments made in the affidavit filed in support of the writ petition would disclose that apparently, there is dispute between the petitioner and some other persons on the ownership claim to the subject property. Petitioner claims title to the subject property. If what is contended by the petitioner is true, petitioner has to work out civil law remedy to establish his title and ownership. When there are disputed questions of fact, this Court in exercise of power of judicial review cannot go into disputed questions. There is no provision in the GHMC Act, which enables consideration of an objection against grant of building permission on the ground of title dispute even before the dispute is raised and

appropriate proceedings are initiated. This Court is not inclined to entertain the writ petition and to grant relief as prayed for, more particularly when there is no statutory requirement of affording opportunity of hearing. Writ petition is dismissed, leaving it open to the petitioner to work out his remedy as available in civil law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

Date: 22.11.2016
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