

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.27653 of 2012

ORDER:

It is the case of the petitioner that originally one Smt S.Agamma and three others were the owners of house property, bearing D.No.8-2-293/82/C/124B admeasuring 386 sq. yards situated at Krishna Nagar Basthi (Shaikpet Village), Hyderabad, and the said house was sold to one Sri A.Suryakanth under registered sale deeds dated 14.03.1989 and 29.03.1989. The said A.Suryakanth, in turn, executed registered agreement of sale -cum- irrevocable General Power of Attorney dated 30.08.2000 and 06.12.2000 in favour of the petitioner. The petitioner has been in possession of the property since 2000. The original owner, Smt S.Agamma, was also owning an extent of Ac.9.39 guntas, in Sy.No.403/10 (old) which is renumbered as 120/9 in Shaikpet Village, Hyderabad. The said property was purchased by Women's Cooperative Housing Society Limited, Hyderabad, by registered sale deed dated 14.08.1965 and the property purchased by the petitioner is adjacent to the said property. However, the second respondent initiated proceedings, under Section 166B of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 fasli, to cancel irregular assignment made in favour of assignees. Challenging the same, the

petitioner and others filed W.P.No.17338 of 2003 and a common order was passed on 17.02.2006. Challenging the same, the first respondent herein filed SLP.No.16545 of 2006 and the same was dismissed on 19.08.2011, and review application in WAMP.No.1023 of 2012 in W.A.No.860 of 1989 was also dismissed. After dismissal, when the petitioner submitted an application seeking permission for construction of building, first respondent insisted for no objection certificate from the second respondent. In those circumstances, the present Writ Petition was filed.

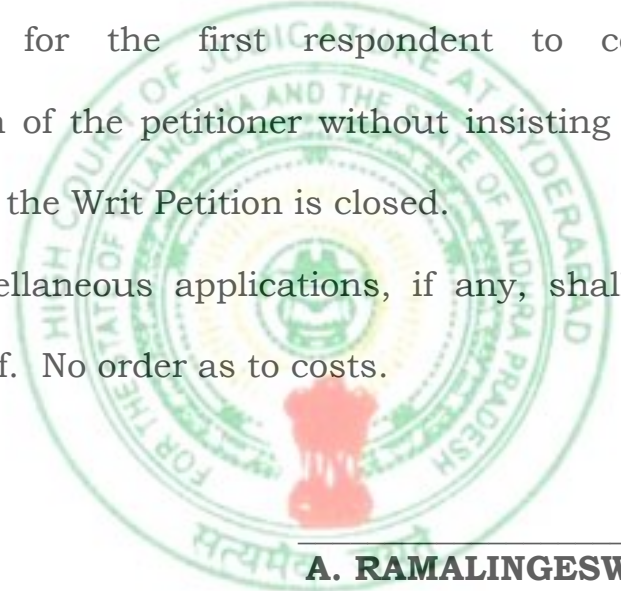
When the matter is taken up for consideration, learned counsel for the first respondent submits that, in view of the pronouncement made by this Court, they are not insisting for no objection certificate from the second respondent and they would consider the building permission submitted by the petitioner in accordance with law.

Learned counsel appearing for respondent Nos.3 to 9 submits that they are the owners of land in respect of which the petitioner submitted application and the application submitted by the petitioner for building permission shall not be considered by the second respondent.

The first respondent cannot consider the rival claims but, as and when an application is filed by any party, the first respondent would process the application in accordance with the provisions of Greater Hyderabad Municipal Corporation Act, 1955 and the rules made thereunder. If any party is aggrieved or any party is having claim over the property, it is always open to the parties to take recourse to the civil proceedings.

In view of the statement made by the learned counsel appearing for the first respondent to consider the application of the petitioner without insisting no-objection certificate, the Writ Petition is closed.

Miscellaneous applications, if any, shall also stand disposed of. No order as to costs.



A. RAMALINGESWARA RAO,J

Date:28.10.2016
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