

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.2290 of 2016

Dated 28.01.2016

Between:

Gundala Shanmukhi Rama

... Petitioner

and

-
Greater Warangal Municipal Corporation
rep. by its Commissioner
Warangal and another

...Respondents

**Counsel for the petitioner:
Mr.Ch.Siddhartha Sarma**

Mr.TCD.Sekhar for

The Court made the following:

Order :

This Writ Petition is filed for a Mandamus to set aside the proceeding bearing Roc.No.G.G1/34858/2015, dated 17.11.2015, of respondent No.1, whereby he has granted building permission to respondent No.2 in respect of Plot No.23, Survey No.402 (old) 441 (new) of Palivelpula Village, Hanamkonda Mandal, Warangal District (for short 'the subject property').

The petitioner pleaded that he is the rightful owner of the subject property and that when respondent No.2 and another person were interfering with the same, he has filed OS.No.1183 of 2010 in the Court of the learned II Additional Junior Civil Judge, Warangal; that the said suit was dismissed for default; that an application for restoration of the said suit was filed, which is pending; that without disclosing the fact that the dispute regarding the subject property was pending, respondent No.2 has approached respondent No.1 for grant of building permission; and that the latter has issued the impugned building permission.

It is not the pleaded case of the petitioner that he has filed objections to the application filed by respondent No.2 opposing the grant of building permission. In the absence of such objections, respondent No.1 cannot be found fault with for granting building permission to respondent No.2. Therefore, I do not find any illegality in the impugned proceeding. However, if the petitioner feels that respondent No.2 has obtained the building permission based on any material misrepresentation or fraudulent statement, he shall

be free to approach respondent No.1 seeking cancellation of the building permission under Section 450 of the Greater Hyderabad Municipal Corporation Act, 1955.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.2903 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 28th January, 2016
LUR