

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

WRIT PETITION NO.4093 OF 2016

DATED:10-02-2016

Between:

Dr. Ayalasomayajula Bhavani Sankar Sastry ... Petitioner

And

Greater Visakhapatnam Municipal Corporation

Represented by its Commissioner

GVMC, Visakhapatnam

and another

... Respondents

COUNSEL FOR THE PETITIONER: Mr. T. Surya Satish, for
Mr. Milind G. Gokhale

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

-

This writ petition is filed for a mandamus to declare the building permission granted by respondent No.1 in favour of respondent No.2, as illegal and non est.

I have heard Mr. T. Surya Satish, learned counsel, representing Mr. Milind G. Gokhale, learned counsel for the petitioner, and perused the record.

As per the petitioner's own version, serious civil disputes between the petitioner on one side and his brothers on the other side, are pending in O.S. No.94 of 2010 and O.S. No.496 of 2014 before the competent Civil Courts. Interlocutory applications to restrain respondent No.2, who is the purchaser under a registered sale deed purportedly executed by the petitioner as well as his brothers, are also pending. On these facts, this Court is of the opinion that respondent No.1 is not competent to adjudicate as to whether the sale deed, which was purportedly executed in the name of the petitioner, was validly executed, or the same was executed by impersonating the petitioner. The fact remains that based on the registered sale deed to which all the owners of the property, including the petitioner, are shown to be parties, respondent No.1 has granted building permission. Unless the petitioner obtains a decree for declaration that the sale deed is not executed by him and that no right in respect of his share in the property is passed to respondent No.2, the building permission granted in favour of respondent No.2, by respondent No.1, cannot be set at naught.

In these facts and circumstance of the case, this Court is of the opinion that the writ petition is wholly misconceived and no mandamus as sought by the petitioner can be issued to respondent No.1. The writ

petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.5250 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-02-2016

bnr