

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 25645 and 27699 of 2007

COMMON ORDER:

1. These two Writ Petitions are being disposed of by this common order as they relate to the same property situated in plot No.90 admeasuring 400 square yards in Sy.No.86, Suryanagar colony, Mallapur village, Uppal Mandal, Kapra Municipality, Ranga Reddy District.

2. W.P.No.25645 of 2007 was filed challenging the action of respondents 1 and 2 in not initiating steps pursuant to the representation of the petitioner dated 24.11.2007 with regard to the construction made by the 3rd respondent in spite of cancellation of the sanction plan by respondents 1 and 2 in respect of the said property.

3. This Court did not grant any interim order in favour of the petitioner. But, however, challenging the cancellation of building permission, the 3rd respondent filed W.P.No.27699 of 2007. In the said writ petition, this Court by order dated 26.12.2007 granted interim suspension of the proceedings dated 14.09.2007 issued by the 2nd respondent. When a petition to vacate the said order was filed in WVMP No.737 of 2008, this Court dismissed the said application by order dated 29.04.2009. As a result of the said orders, the 3rd respondent, who is the petitioner in W.P.No.27699 of 2007, constructed the building and occupied the same.

4. It is submitted by the learned Counsel for the petitioner in W.P.No.25645 of 2007 that the petitioner filed O.S.No.373 of 2006 before the II Senior Civil Judge, Ranga Reddy District for cancellation of the sale deed executed in favour of the 3rd respondent and the said suit was dismissed by judgment and decree dated 04.12.2015. The said judgment has become final. In the meanwhile, the petitioner in W.P.No.25645 of 2007 expired and her legal representatives came on record. However, in view of the construction of the building by the 3rd respondent, no relief can be granted in W.P.No.25645 of 2007 and the same has become infructuous.

5. So far as the relief sought for in W.P.No.27699 of 2007 is concerned, it relates to the challenge to the proceedings of the 2nd respondent dated 14.09.2007 revoking the permission granted earlier in respect of the said property.

6. A perusal of the proceedings shows that the 2nd respondent came to the conclusion that the building permission was obtained by misrepresenting the fact and the same was brought to the notice of the authority by the petitioner in W.P.No.25645 of 2007. The main allegation is that the property purchased by the 3rd respondent was sold by unauthorized persons. It appears that the Inspector of Police, Nacharam investigated the matter and suggested for cancellation of the building permission granted to the 3rd respondent. Though a notice was issued to the 3rd respondent to

submit an explanation, no explanation was submitted. Therefore, the building permission was cancelled. The building permission once granted cannot be cancelled on the basis of a complaint made to the police. As stated above, the petitioner already filed a civil suit challenging the sale deed and the same ended in dismissal. If the petitioner had any grievance, she should have approached the Civil Court seeking declaration of her right, title and interest in the property, but that was not done. The 2nd respondent cannot decide the title of the parties and when the 2nd respondent granted earlier permission based on the documents submitted by the 3rd respondent, the permission ought not to have been cancelled based on a complaint relating to the title to the property. In the circumstances, W.P.No.27699 of 2007 is liable to be allowed by setting aside the impugned order dated 14.09.2007.

7. In the result, W.P.No.25645 of 2007 is dismissed as infructuous and W.P.No.27699 of 2007 is allowed. However, this order will not prevent the petitioners in W.P.No.25645 of 2007 to take appropriate steps in accordance with law in order to establish the title to the property. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J