

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 13570 of 2012

Order:

The petitioner claims that he is the owner and possessor of open plot admeasuring 363.85 sq. yards together with a shed roofed with AC sheets constructed in the said plot situated in Survey No.429 of Mancherial Shivar, Mancherial town and Mandal, Adilabad District. His grand father was the original owner and on his demise in the year 1997 the said property was succeeded by his legal heirs. In the oral partition the plot was given to the grand mother of the petitioner. She executed a deed of gift on 11.11.2011 and the petitioner came to be in possession of the property by virtue of the said gift deed. The name of the petitioner was also mutated in the revenue records. There was another plot on the southern side which was sold to one Pilli Lakshmi under a simple sale deed and subsequently on her request a registered sale deed was executed on 18.10.2008 in favour of her younger son who constructed a house therein. It is the case of the petitioner that since the plot possessed by him was vacant the respondents 2 and 3 created a sale deed and claimed title to the land. When the respondents 2 and 3 wanted to construct a building the first respondent granted permission on 14.02.2012, challenging which the present Writ Petition was filed.

The third respondent filed a counter affidavit stating that he is the absolute owner of plot admeasuring 255 sq. yards in Survey No.429, situated in Door No.13-798/1, Block No.13 of Medawari Wada, Mancherial village and Mandal. Originally, one Pilli Lingaiah purchased an extent of 0.12 gts., in the said survey number and sold 0-04 gts., to Pilli Gangamma and 0-02 gts., to Cherla Mallamma and when the said Pilli Lingaiah and his

sons were interfering with the possession of the said plots of Pili Gangamma and Cherla Mallamma they filed O.S.No.790 of 1979 and a compromise was entered on 28.09.1979. They sold the plot consisting of 363 sq. yards to one Chinta Narsubai under a registered sale deed dated 12.03.1993 and the respondents 2 and 3 purchased the same from the said Chinta Narsubai. The names of the respondents 2 and 3 were mutated in the municipal records by proceedings dated 09.12.2011. Thereafter, an application was filed on 10.02.2012 seeking permission to construct a building. It is also stated that they received a notice on 01.05.2012 in O.S.No.75 of 2012 from the Court of the Senior Civil Judge, Mancherial filed by the writ petitioner and the matter is pending now.

In view of pendency of dispute with regard to title in O.S.No.75 of 2012 on the file of the Senior Civil Judge, Mancherial, the title of the petitioner or that of the respondents 2 and 3 cannot be decided in the present Writ Petition. Learned Standing Counsel for the first respondent submitted that the permission granted earlier had expired and no building was constructed as on today.

In view of the same, depending on the result of the suit in O.S. No.75 of 2012 it is for the successful parties to apply for building permission and on consideration of the same it is open to the first respondent to grant permission in accordance with law.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs. The Miscellaneous Petitions pending, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 25.10.2016
Nsr