

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WPMP.No.33918 of 2016

in

WP.No.23343 of 2016

And

WP.No.23343 of 2016

ORDER :

Heard the counsel for petitioners, the learned Government Pleader for Municipal Administration (Telangana) for 1st respondent; and Sri N. Ashok Kumar, for respondent nos.2 and 3. None appears for 4th respondent, although notice sent by counsel for petitioners is said to have been returned with endorsement “not claimed”.

2. The petitioners filed the Writ Petition challenging the action of 2nd respondent in not granting building permission to petitioner pursuant to application dt.21.01.2016 made by petitioners.

3. During the course of hearing of the Writ Petition, the learned Standing Counsel for 2nd respondent produced proceedings dt.04/06.08.2016 directing the petitioners as well as 4th respondent to approach the Civil Court and obtain clear title.

4. The counsel for petitioners contends that there is a specific order passed by the XIII Additional Chief Judge, (F.T.C.), City Civil Court, Hyderabad, in I.A.No.358 of 2015 in O.S.No.378 of 2008, rejecting the claim of 4th respondent.

5. The impugned order passed by 2nd respondent gives no reference to this order of the Civil Court.

6. Therefore, the W.P.M.P.No.33918 of 2016 has been filed by petitioner seeking amendment of the prayer in the Writ Petition by challenging this proceeding dt.06.08.2016 issued by 2nd respondent. This application was not opposed, and it is accordingly ordered.

7. Since admittedly, the order of the Civil Court (referred to supra) has not been considered by the 2nd respondent while passing the order dt.06.08.2016, the order dt.06.08.2016 passed by 2nd respondent is set aside; and the matter is remitted back to the 2nd respondent to consider the application of petitioners for grant of building permission in the light of the order of the Civil Court referred to supra, after issuing notice to 4th respondent.

8. This exercise shall be completed within a period of four (04) weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is allowed with the above directions. No order as to costs.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-09-2016

Ndr/*