

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.6229 of 2012

ORDER:

This Writ Petition was filed challenging the action of respondent Nos.1 and 2, in allowing respondent Nos.3 and 4 to make construction on plot Nos.75 and 76 admeasuring 400 sq. yards at Shivanagar, Kanojiguda, Alwal, Ranga Reddy District, in pursuance of the permission granted by proceedings dated 10.11.2004, as illegal and arbitrary.

The case of the petitioner is that, he filed O.S.No.112 of 2005 on the file of VII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, for declaration of title and cancellation of sale deed obtained by the mother of respondent Nos.3 and 4, as not binding on him but the said suit was dismissed. Challenging the same, he preferred A.S.No.380 of 2011 on the file of District Court, L.B.Nagar, Ranga Reddy District. When the same was pending, permission was accorded by respondent Nos.1 and 2 and the petitioner filed an application on 08.02.2005 seeking revocation of the said permission. It is his case that, in spite of notice, respondent Nos.1 and 2 allowed respondent Nos.3 and 4 to go ahead with construction.

Counter affidavit is filed on behalf of respondent Nos.3 and 4 stating that the mother of respondent Nos.3

and 4 purchased the property under registered sale deed dated 17.04.1984 and their mother died on 04.05.1996. Thus the property devolved on respondent Nos.3 and 4. They executed deed of partition on 28.12.1999. After execution of deed of partition, pursuant to the application made by the brother of respondent No.4, permission was accorded on 10.11.2004 and respondent No.4 also applied for separate partition which was accorded on 06.02.2012. The petitioner filed O.S.No.56 of 2005 before the Additional Junior Civil Judge, Ranga Reddy District seeking injunction and the same was dismissed on 24.02.2010. The appeals, filed against O.S.No.112 of 2005 in A.S.Nos.137 of 2010 and 380 of 2011, were dismissed on 26.07.2014 and 31.10.2014 respectively. The petitioner also filed L.G.O.P.No.597 of 2012 before the Special Tribunal-cum-XI Additional District Judge, Ranga Reddy District, and the said O.P. is pending. It is their further case that they obtained permission according to law only and no fraud was played while obtained permission.

As is evident from the above facts, the present Writ Petition was filed merely due to pendency of civil litigation between petitioner and respondent Nos.3 and 4. As could be seen from the above facts, civil litigation between the parties ended in favour of respondent Nos.3 and 4. Now only L.G.O.P.No.597 of 2012 is pending before the Special

Tribunal-cum-XI Additional District Judge, Ranga Reddy District. Respondent Nos.3 and 4 are claiming title to the property under valid registered sale deeds and they constructed building after obtaining permission.

In the circumstances, no relief can be granted to the petitioner. However, it is for the petitioner to work out his remedies in the pending litigation, if any.

The Writ Petition is, accordingly, dismissed.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:20.12.2016
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