

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.1979 of 2016

Date:25.01.2016

Between:

Mohd. Mahamood Khan,
S/o Mohd. Ayooob Khan

..... Petitioner

And:

The Commissioner, Greater Hyderabad
Municipal Corporation, Hyderabad
and three others.

.....Respondents

Counsel for the Petitioner: Mr. Trupthi Agarwal
For Mr. Pawan Kumar Agarwal

Counsel for the Respondents: None appeared

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the inaction of respondent Nos.1 to 3 in considering the petitioner's representation, dated 02.11.2015, for taking action against the alleged illegal constructions being raised by respondent No.4 in the property bearing Municipal No.19-3-41/5/1 situated at Jahanuma, Hyderabad as illegal and arbitrary.

I have heard Ms. Trupthi Agarwal, learned counsel representing Mr. Pawan Kumar Agarwal, learned counsel for the petitioner, and perused the record.

The petitioner pleaded that he has entered into an agreement of sale in respect of the property bearing Municipal Door No.19-3-41/5/1 of Jahanuma, Hyderabad; that with a view to grab the said property, respondent No.4 has started making illegal constructions on a portion of the said property without obtaining any permission from respondent Nos.1 to 3; and that after noticing the said illegal constructions, he gave a representation on 02.11.2015 to respondent No.2 for taking action against the unauthorised constructions. Feeling aggrieved by the inaction of respondent No.2 in considering the petitioner's representation and taking action against the illegal constructions made by respondent No.4, this Writ Petition is filed.

On the petitioner's own averment, he merely holds an agreement of sale in respect of the subject property. The law is well settled that that an agreement of sale will not confer any right over the property on the purchaser except to the extent of seeking specific performance thereof. Therefore, in the absence of legal title, the petitioner cannot seek any relief in respect of the subject property. More over, both in the representation made by the petitioner to respondent No.2 and also in para-3 of the affidavit filed by him, in support of the Writ Petition, he has averred that several cases are pending in various Courts with respect to the subject property. However, the petitioner failed to give any details with regard thereto.

For the above-mentioned reasons, interference is declined and the Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.2511 of 2016 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

25th January, 2016

DR