

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.4142 of 2016

10.02.2016

Between:

K.Brahmaiah

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.A.Ananda Chary for Mr.B.Chandrasen Reddy

Counsel for respondent No.1: Assistant Government Pleader for
Municipal Administration and Urban Development (TS)

Counsel for respondent No.4: Assistant Government Pleader for Revenue
(TS)

Counsel for the other respondents:--

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the inaction of respondent Nos.2 and 3 in considering the petitioner's complaint against respondent No.5 and taking appropriate action as per law, as illegal and arbitrary.

I have heard Mr.A.Ananda Chary, learned counsel representing Mr.B.Chandrasen Reddy, learned counsel for the petitioner and Mr.P.Kesava Rao, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent Nos.2 and 3 and perused the record.

The substance of the averments made by the petitioner in his affidavit will show that there is a serious dispute on the identity of the property, on which respondent No.5 is seeking to raise construction in pursuance of building permission. The petitioner pleaded that respondent No.5, by misrepresentation of fact, has obtained a deed of conveyance over 800 sq.yds. of land by obviously pleading that it is in unauthorized occupation of the same and that the conveyance deed clearly spelt out that the same was subject to third party claims. The further grievance of the petitioner is that respondent No.5 is not even exhibiting the approved plan of GHMC, through which it is attempting to grab the property in question. The petitioner claimed that he has made a representation to respondent No.2 to stop illegal/unauthorized construction activity by respondent No.5 and that the former has not taken any action.

The nature of the dispute as could be seen from the above noted averments is purely civil in nature, which cannot be resolved by either GHMC or its functionaries. If respondent No.5 has obtained

conveyance deed over a private land belonging to the petitioner, from the Government, the latter's remedy lies elsewhere, but surely not before the GHMC. It is trite that GHMC, while granting building permission, will only examine the *prima facie* title and it cannot decide the rival claims with respect to the title. On the petitioner's own averments, it is evident that based on a conveyance deed executed by the Government, respondent Nos.2 and 3 have granted building permission. Whether such conveyance deed was obtained by respondent No.5 on misrepresentation or by playing fraud on the Government or not cannot be decided by respondent Nos.2 and 3. In this view of the matter, the writ petition is wholly misconceived.

The petitioner is relegated to the legal remedies available to him in common law.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.5304 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

10th February, 2016
GHN