

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 14205 OF 2017

ORDER :

The Writ Petition is filed seeking a *mandamus* to declare the action of the 2nd respondent Corporation in not considering the petitioner's representation dated 21.02.2017 as arbitrary and illegal.

The case of the petitioner is that he purchased the property bearing Plot No. 186 in Survey Nos. 60(P), 650(P) and 651, admeasuring 333 square yards, situated at Gopal Reddy Nagar, Vampurguda, Keesara Mandal, Ranga Reddy District, through a sale deed dated 13.12.2016. While so, the petitioner found that the 3rd respondent has been carrying on certain constructions in the said land. Therefore, he submitted the representation dated 21.02.2017 to the 2nd respondent, but the same has not been considered so far.

Heard learned counsel for the petitioner as well as learned Standing Counsel Sri P. Keshav Rao for the respondent Corporation.

At the outset, it may be noted that the petitioner has fairly brought to the notice of this Court the factum of filing O.S. No. 270 of 2017 by the 3rd respondent against himself and two others seeking an injunction with respect to the suit schedule property. The boundaries of the suit schedule property have been mentioned as:

NORTH : Plot No. 35
(Plot No. 187 as per HUDA final layout)
SOUTH : 30' wide road
EAST : 30' wide road
WEST : Plot No. 47
(Plot No. 185 as per HUDA final layout)

The sale deed dated 13.12.2016 also discloses the boundaries of the subject land as:

NORTH : Plot No. 35
 SOUTH : 30'-0" wide road
 EAST : 30'-0" wide road
 WEST : Plot No. 185

In other words, there is no dispute with respect to the identity of the property. It may also be noted that in the copy of the plaint filed by the 3rd respondent, in paragraph 3, it has been categorically asserted that he had purchased the subject property through the sale deed bearing document No. 5711/03, dated 26.09.2003 from one Smt. Bobbili Sandhya. From the documents filed by the petitioner and from the averments contained in the plaint, *prima facie*, it is clear that the sale deed of the 3rd respondent is prior to that of the petitioner. Further, the 3rd respondent approached the Court of the II Additional Senior Civil Judge, Ranga Reddy District by filing O.S.No. 270 of 2017 seeking injunction and the said suit is pending.

The petitioner, except asserting that he had filed the representation dated 21.02.2017 before the 2nd respondent alleging that the 3rd respondent is making construction without obtaining permission, has not produced any material to show that he sought the information from the respondents under the Right to Information Act, 2005.

In those circumstances and also considering the fact that there is already civil disputes pending between the petitioner and the 3rd respondent, this Court is not inclined to entertain the Writ

Petition merely on the alleged representation of the petitioner to the 2nd respondent.

The Writ Petition is therefore, dismissed. It is needless to say that the observations now made by this Court shall not be construed as expressing any opinion as regards the rights of the parties. No costs.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

21st April 2017

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