

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.2735 of 2006

O R D E R:

In this Writ Petition, petitioner has assailed the order dt.20.12.2005 of the 3rd respondent i.e., the Commissioner, Khammam Municipality, rejecting petitioner's request for grant of building permission for premises No.10-3-234 admeasuring 92 sq. Yards in survey Nos.12 and 13 of Khammam Town.

2. In the impugned order, 3rd respondent had rejected the petitioner's application for building permission, sought on the basis of a sale deed dt.15.06.2004 by the petitioner, on the ground that the site proposed by the petitioner for construction of a house belongs to the municipality and is a municipal site.

3. Under the A.P. Municipalities Act, 1965, no jurisdiction is conferred on the 3rd respondent to declare title to the property.

4. Therefore, the impugned rejection memo dt.20.12.2005 stating that the property in question does not belong to the petitioner and that it belongs to the municipality, cannot be sustained. However, this does not mean that the property claimed by the petitioner in fact belongs to him. It is not in dispute that the 3rd respondent had earlier on 18.02.2005 rejected petitioner's application for building permission on the ground that the property claimed by him is 10-03-234 but the document of his vendor's vendor Ch.Venkateshwarlu mentions the house number as 10-3-238 and not as 10-3-234. This order

dt.18.02.2005 has not been questioned by the petitioner till date.

5. Therefore, even if the order dt.20.12.2005 passed by the 3rd respondent is set aside, petitioner will not be benefited in any way since the order dt.18.02.2005 is not challenged by him.

6. However, as explained above, since the 3rd respondent has no jurisdiction to decide whether the site claimed by the petitioner belongs to the petitioner or the municipality, to the extent the impugned rejection memo dt.20.12.2005 gives a finding that the property in question is a municipal property, it is set aside. It is however made clear that this Court has not expressed any opinion as to right, title or interest of the petitioner in respect of the site or property claimed by him .

7. The Writ Petition is disposed of as above. No costs.

8. Consequently, miscellaneous petitions pending if any shall stand closed.

M.S.RAMACHANDRA RAO, J

09th August, 2017.

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