

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6830 OF 2017

ORDER:

This Writ Petition is filed seeking the following relief:

“....to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.1 to 3, not to grant permission for construction of any structures thereon in H.No.1-99/4 in Sy.No.177/A, admeasuring 400 Sq.yards, situated at Nalagandla village of Serilingampally Mandal, Ranga Reddy District, is arbitrary, illegal, without jurisdiction and consequently direct the Respondent No.1 to 3, not to grant permission for construction of any structures and pass such other order or orders may deem fit and proper in the circumstances of the case.”

The brief facts of the Writ affidavit are that having purchased open plot, admeasuring 400 Sq.yards situated in Sy.No.177/A, Nalagandla Village, Serilingampally Mandal, Ranga Reddy District, from one Late P. Narsimha Reddy vide Registered Sale Deed document No.7578 of 1997, dated 04.11.1997, the petitioner constructed a house bearing No.1-99/4 after obtaining permission from the Municipality authorities. It is further submitted that when he was proceeding with the construction, as per the permission granted by the Municipality, one Smt.P.Kamaamma and others had obstructed his workmen and demolished the watchman room and tried to interfere with construction of compound wall, then he filed a suit vide O.S.No.1501 of 2009 on the file of Principal Junior Civil Judge, R.R.District and obtained injunction vide order in I.A.No.3361 of 2004 restraining the above persons. It is further submitted that the petitioner filed another application under Order VI Rule 17 r/w Section 151 of C.P.C. to amend the survey number in the suit schedule property i.e., 177/4 as 177/A, but the same was dismissed, against which he preferred a revision before this Court in C.R.P.No.1618 of 2010 and the same also came to be dismissed, therefore, he carried the matter to the Supreme Court in S.L.P. Civil C.C. No.19911 of 2015 and the same is pending. It is further submitted that the respondents 4 and 5, without having any right or interest over the subject land,

are making efforts to grab the land, therefore, he got issued an objection letter dated 16.01.2017 through his counsel to the respondent authorities with relevant documents not to grant any permission to 3rd parties for construction of any structures in the subject land. Hence, the present Writ Petition.

In the facts of the present case, learned Standing Counsel Sri Sampath Prabhakar Reddy, on instructions submit that the applications filed by the 4th and 5th respondents were refused and thereafter the applications filed on 23.12.2016 were not granted with permissions and the shortfalls were intimated to them on 17.01.2017, thereafter, the respondent Nos.4 and 5 have not resubmitted for permissions. Now, taking into consideration of the objections raised by the petitioner, notices will be issued to the petitioner as well as to the respondent Nos.4 and 5. In the event respondent Nos.4 and 5 once again approaches for permission, it is only after considering the objections of the petitioners, the applications of the 4th and 5th respondents, if any, will be processed.

Recording the submissions made on behalf of the respondent Nos.2 and 3, the Writ Petition is disposed of with a direction to the respondent authorities to ensure the notice of hearing to the petitioner at the time of processing the applications of the respondent Nos.4 and 5. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

Date:08.03.2017.
Ssv