

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17888 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the building permit No.2/C12/03243/2017, dated 12.04.2017, granted by the respondent No.3 in favour of respondent No.4 as illegal, arbitrary and contrary to the provisions of Greater Hyderabad Municipal Corporation Act and direct respondents 2 and 3 not to allow the 4th respondent to make any construction in Plot No.224-B, an extent of 211-5 square yards in Survey No.44/1 of Miyapur Village, Seri Lingampally Mandal.

2. Heard the learned counsel for petitioner, learned Government Pleader for Municipal Administration and Urban Development for the 1st respondent and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondents 2 & 3 and with their consent, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that one K. Ramachandra Raju had purchased Plot No.224-B, admeasuring to an extent of 423 square yards in Survey No.44/1, situated at Matrusri Co-operative Housing Society, Miyapur Village, Seri Lingampalli Mandal under Registered Sale Deed bearing Document No.3006 of 1980. The said K. Ramachandra Raju sold the above plot to one K. Srinivasa Reddy under Registered Document No.3471 of 2000, dated 25.05.2000, and after the death of the said K.Srinivasa Reddy, his wife Smt. K. Adilakshmi had sold eastern portion of Plot

No.224-B, admeasuring to an extent of 211-5 square yards to the petitioner under registered Sale Deed bearing No.551/2002, dated 24.01.2002, and since then, the petitioner has been in possession and enjoyment of the extent of the property, which she has purchased. It is further case of the petitioner that K. Ramachandra Raju died on 30.07.2012 and after the death of K. Ramachandra Raju, his wife, son and daughter have filed O.S.No.95 of 2015, on the file of Additional Junior Civil Judge, Ranga Reddy District, at Miyapur, against the petitioner and her vendor for cancellation of the registered documents Nos.3471/2000, dated 25.05.2000, 551/2002, dated 24.01.2002 and 733/2002, dated 01.02.2002, on the ground that K. Srinivasa Reddy had created a false and fabricated registered document. While so, the 4th respondent filed a suit in O.S.No.665 of 2017, on the file of the VIII Senior Civil Judge, Ranga Reddy District, at L.B. Nagar, against the petitioner and her vendor for permanent injunction and after receipt of the summons in the said suit, it is revealed that the 4th respondent claimed the subject plot No.224-B, admeasuring 211-5 square yards as owner having purchased the same from Smt.N.Baby Padmini and the 4th respondent, without stating that the suits are pending and without impleading the petitioner, filed W.P.No.9035 of 2017 before this Court and this Court disposed of the said writ petition directing the respondents to consider the application as per Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955 and pursuant to the orders of this Court, the 3rd respondent has sanctioned building permission vide Permit No.2/C12/03243/2017, dated 12.04.2017.

4. The main grievance of the petitioner is that the petitioner has submitted a representation on 15.05.2017 to respondents 2 & 3 requesting to cancel the building permission said to have been obtained by the 4th respondent for construction in respect of the subject property, but so far, no action is taken thereon and the same is pending.

5. When the matter is taken up for hearing, learned Standing Counsel for respondents 2 & 3 submitted that if it is the grievance of the petitioner that the representation submitted by her is to be considered, then respondents 2 & 3 are ready to consider the said representation after hearing the petitioner and the 4th respondent and pass appropriate orders.

6. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing respondents 2 & 3 to consider the representation of the petitioner, dated 15.05.2017, after affording reasonable opportunity to the petitioner as well as the 4th respondent and after verifying all the documents submitted by the petitioner, and pass appropriate orders, as warranted by law, within a period of eight (8) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 6th June, 2017

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