

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2827 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for respondents 2 and 3.

2. The petitioner states that he is the absolute owner of Ac.0-31 cents of land in survey No.623/3C in Ward No.20, Chintalachedu, Thirupathi. He obtained permission from the 4th respondent for construction of a building on the said land. He applied for loan to the 3rd respondent and after verifying the documents and making spot inspection, loan was sanctioned. When the amount was not being released by the 3rd respondent, the present writ petition was filed.

3. Learned counsel for the petitioner submits that some third parties raised a dispute, with regard to the constructions made on the land of the petitioner, alleging that the petitioner is encroaching a portion of the land belonging to third parties and on receipt of the said representation, the 3rd respondent is not releasing the loan amount. He further submitted that the said third parties filed a writ petition before this Court and same was not entertained, but liberty was given to the third parties to approach the Civil Court. In the Civil Court, the petitioner got favourable orders. He further submits that he already submitted a representation to the 3rd respondent bringing to his notice about all these aspects, in spite of the same, the loan amount is not disbursed.

4. The 3rd respondent filed counter stating that the 3rd respondent issued a letter to the petitioner stating that they cannot disburse the sanctioned loan amount unless the bank receives clearance certificate from the 4th respondent. It is also stated that the 3rd respondent received notice on 28.11.2016 from one Smt.V.Jyotheshwari stating that the petitioner is unauthorizedly constructing the commercial building on the approach road to their house site. After receiving the said complaint from the neighbour of the building, the respondent bank made necessary enquiries with the Additional Commissioner and Town Surveyor and got confirmation from the official of the Corporation that the report of the Town Surveyor was genuine. The officials of the Corporation confirmed the respondent bank that they have advised the petitioner not to go ahead with the construction till the boundaries in actual location of house site are identified. The report of the Town Surveyor indicates that the petitioner occupied the road portion and started construction. The counter affidavit of the 3rd respondent also mentions about W.P.No.33479 of 2016 filed by the neighbour and also O.S.No.704 of 2016 filed by one Smt. V.Jyotheshwari.

5. In the circumstances, it is open to the petitioner to satisfy the 3rd respondent with regard to the actual extent of land owned by him and the construction proposed to be made in the said actual extent by submitting an appropriate representation along with necessary documents and the 3rd respondent shall receive the said representation, consider and disburse the loan amount, if it is in terms of the sanctioned letter issued by them.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A. RAMALINGESWARA RAO, J

MARCH 09, 2017
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Date: 09.03.2017

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