

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.4305 of 2012

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, for the following relief:

“To declare the delay and inaction on the part of the 1st respondent in initiating the steps preventing the 2nd respondent from making illegal construction and not initiating to proceed from demolishing the illegal structure in Sy.Nos.631, 632, 633 & 644 of Devarayamjal Village, Shameerpet Mandal, Ranga Reddy District, as illegal and arbitrary, and consequently direct the 1st respondent to initiate action forthwith as per law preventing the 2nd respondent from making illegal construction and demolish the structures made by the 2nd respondent.”

The petitioner and one T. Ramakrishna Rao entered into an agreement of sale on 08.09.2005 with one G. Narsa Reddy and his two sons for purchase of land of an extent of Acs.15.02 guntas situated in Sy.Nos.631, 632, 633 and 644 of Devaryamjal Village, Shameerpet Mandal, Ranga Reddy District. Since his vendors are not coming forward for execution of the sale deed, the petitioner filed O.S.No.672 of 2010 for specific performance. Meanwhile, the 2nd respondent trespassed into the land and trying to construct a building the said land. Hence, this writ petition.

The 2nd respondent filed counter stating that himself and one N. Ravi Kumar are partners of M/s.Sri Sai Associates and in the name of said firm, they purchased an extent of 3000 square yards in Sy.No.633/ A/ 4 at Devaryamjal Village, Shameerpet Mandal, Ranga Reddy District, through registered sale deed dated 22.10.2009 from one G.Sridhar Reddy for a valuable consideration. Thereafter, the 2nd respondent and his partner obtained permission from the 1st respondent for construction of a building with G + 2 floors by paying the requisite fee to the 1st respondent, and they started construction

and the construction is at final stage. But, the 2nd respondent has no knowledge about the suit filed by the petitioner and the civil dispute between the petitioner and the vendor of the 2nd respondent, and that the petitioner without any right over the property, trying to stop the construction of the 2nd respondent, and hence, he requested to dismiss the writ petition.

Heard and perused the material available on record.

When the matter is taken up for hearing, it is informed by the learned counsel for the 2nd respondent that the construction is already over, and the said construction was made after obtaining permission from the 1st respondent, and that if the petitioner has any grievance regarding the title over the subject property, he has to agitate before the civil Court.

Considering the circumstances of the case, this Court is of the view that the writ petition can be disposed of with the following directions:

It is left open to the 1st respondent to take appropriate action in accordance with law if there is any illegal construction made by the 2nd respondent, and further as far as the ownership of the property is concerned, the petitioner is directed to seek remedy before the civil Court.

With the above directions, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

August 04, 2017
KTL

