

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.46657 OF 2016

Dated:02.01.2017

Between:

B. Krishna Murthy, S/o. B. Ragavaiah,
Aged about 53 years, Occ: Business,
R/o.D.No.19-12-154, Bairagipatteda,
Tirupati Town, Chittoor District and others .. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Municipal Administration
and Urban Development Department,
Secretariat, Velagapudi, Amaravathi,
Guntur District and others .. Respondents



The Court made the following:

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ORDER:

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. The petitioners are aggrieved by granting of building permission to the 3rd respondent. They allege that there was misrepresentation regarding ownership to the subject property and false documents are submitted by the 3rd respondent.

3. Once a building permission is granted, the same can be nullified by the Commissioner, Municipal Corporation, if the parameters under Section 450 of the Greater Hyderabad Municipal Corporations Act, 1955 are satisfied i.e., playing fraud or misrepresentation. Therefore, if a person is aggrieved by a building permission granted to an applicant, he should have filed an application before the Commissioner bringing to his notice about the fraud or misrepresentation.

4. In the present case, though the petitioners claim that the building permission was obtained by the 3rd respondent by playing fraud or misrepresentation, no complaint is filed before the Commissioner in that regard. The petitioners vaguely assert in paragraph No.6 of the affidavit filed in support of the Writ Petition that when they approached the 2nd respondent on 26.12.2016, he refused to receive their objections. There is no material on record to show that an application was sought to be submitted by the

petitioners and the same was refused. In the absence of any such material, the said contention cannot be appreciated.

5. Thus, the relief as sought for by the petitioners cannot be granted and the Writ Petition is liable to be dismissed.

6. The Writ Petition is accordingly dismissed giving liberty to the petitioners to file an application, if they are so advised, before the Commissioner, Tirupati Municipal Corporation, the 2nd respondent, against the building permission granted to the 3rd respondent. As and when such application is received, the 2nd respondent shall consider the same and if he is *prima facie* in agreement with what is alleged in the application, he shall put the 3rd respondent on notice and grant due opportunity to respond to the allegations and on consideration of the respective claims, he shall pass appropriate orders in accordance with law. It is made clear that there is no expression of opinion on the merits and rights and remedies of the 3rd respondent are preserved. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:02.01.2017

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