

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.19031 OF 2017

ORDER:

It appears that Mutrajpalli Gram Panchayat was merged with Gajvel Pragnapur Nagara Panchayat and the second respondent insisted the petitioner to pay amount for layout regularisation for two plots admeasuring 220 square yards and accordingly, the petitioner paid the said amount. They obtained permission for construction and the same was granted on 17.10.2016 for plot No.39 admeasuring 220 square yards in Survey No.132/AA.5 situated at Mutrajpally Village, Gajvel Mandal, Siddipet District. While so, the fourth respondent submitted a complaint claiming ownership over the said land. The fourth respondent filed OS.No.119 of 2016 and obtained interim injunction against the petitioner in IA.No.437 of 2016. When the second respondent issued a notice on 11.05.2017 asking the petitioner to stop construction work until the issue is decided, the present Writ Petition was filed.

The petitioner claims to have purchased the subject land under registered document Nos.4283 of 2009 and 3522 of 2011 from Rekula Bhagavan Reddy for a valid consideration. The land was originally in the name of the mother of the said Bhagavan Reddy. The total extent of 4 ½ gts was made into plots and gave up her claim in respect of 3 gts given to her daughter. The name of R.Bhagavan Reddy was mutated in respect of land to an extent of 220 square yards on 10.10.2016. Accordingly, the said R.Bhagavan Reddy sold the land to the petitioner in the year 2009. The fourth respondent claims to have obtained the said land under

a gift settlement deed from his grand mother and petitioner also states that the said gift settlement deed does not confer any title on the fourth respondent. The second respondent cannot decide the title of the property. Now the fourth respondent has already filed O.S.No.119 of 2016 and the same is pending before the competent Court. In such circumstances, it is for the petitioner to take the risk of making construction pursuant to the building permission already granted on 17.10.2016. It is stated by the learned counsel for the fourth respondent that temporary injunction was granted in favour of the fourth respondent in IA.No.437 of 2016. In view of the same, the fourth respondent is directed to abide by the orders in OS.No.119 of 2016 on the file of the Junior Civil Judge's Court, Gajvel and pass appropriate orders depending on the result of the suit. However, it is open to the petitioner to make construction with an undertaking that he would demolish the same if the competent Court decides the title against him.

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

(A.RAMALINGESWARA RAO, J)

16th April 2018
RRB