

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.24384 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the learned counsel for respondents 4 to 6.

The case of the petitioner is that in original Survey No.36 of Old Bowenpally Village admeasuring Acs.33.38 gts there were three protected tenants. The grand father of the petitioner is one of the protected tenants of land to an extent of Acs.10.20 gts. He left behind himself four sons. Certificate of Succession was granted in favour of the sons on 23.12.1989. Petitioner is the land owner of the original protected tenant. It is the further case of the petitioner that the original owners of the land obtained ORC proceedings behind-back of the family of the petitioner from the Joint Collector, Ranga Reddy District. When the petitioner challenged the same, Occupancy Rights Certificate in favour of the pattadar was cancelled. Challenging the same, respondents 4 to 6 preferred WP.No.12031 of 2014 and this Court directed the parties to maintain *status quo*. The order of *status quo* was passed in WP.No.46887 of 2016 also which was filed at the instance of the legal heirs of the original pattadar. Both the Writ Petitions are pending. While so, when respondents 4 to 6 were making efforts to make unauthorised constructions by changing the nature of the lands, petitioner approached the third respondent and requested to take action and when no action was taken, the present Writ Petition was filed.

Learned counsel for respondents 4 to 6 submits that they would abide by the law and relied on building permission granted on 02.01.2017 in favour of respondents 4 to 6.

It appears that WP.Nos.12031 of 2014 and 46887 of 2016 are pending before this Court and *status quo* orders are in existence. In view of the same, the third respondent ought not to have granted any building permission in violation of the same.

The Writ Petition is disposed of directing respondents 2 and 3 to take into account the interim orders passed in WP.Nos.12031 of 2014 and 46887 of 2016 and the building permission granted on 02.01.2017 and pass appropriate orders in accordance with law within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

16th April 2018
RRB