

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON'BLE MS JUSTICE J.UMA DEVI**

WRIT APPEAL NO.760 OF 2018 AND I.A.NO.1 OF 2018

**COMMON JUDGMENT:** {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

I.A.No.1 of 2018 is filed seeking leave to prefer an appeal against the order passed by the learned Single Judge in W.P.No.10483 of 2018 dated 27.04.2018 whereby the submission of the learned Standing Counsel for the GHMC was recorded that, within one week from that date (27.04.2018), the second respondent (GHMC, represented by the Commissioner) would pass orders on the respondent-writ petitioners' building permission dated 20.06.2017; and communicate its decision to the petitioner.

The applicant-appellant herein claims title over the subject land on the basis of a decree in a suit of the year 1973. The respondent-writ petitioners trace their title to a registered sale deed dated 08.02.1995, and the subsequent L.R.S. regularisation order dated 03.04.2009. While Sri S.Ashok Anand Kumar, learned counsel for the applicant-appellants seeks a direction to the Commissioner, GHMC to consider their objections, Sri P.Venugopal, learned Senior Counsel appearing on behalf of the respondent-writ petitioners, would submit that, since the appellant cannot be said to be a person aggrieved, he is not entitled to invoke the jurisdiction of this Court under Clause 15 of the Letters Patent. Since the applicant-appellant's remedy, if any, regarding grant of building permission to the respondent-writ petitioner can only be agitated before a competent Civil Court, and as the Commissioner,

GHMC cannot conclusively adjudicate disputed questions of title, we see no reason to entertain the appeal or to grant leave to do so.

Suffice it to make it clear that the order now passed by us shall not disable the applicant-appellant from availing his common law remedy of filing a Civil suit before the competent Civil Court.

Both the application and the appeal are dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

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**(RAMESH RANGANATHAN, ACJ)**

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**(J.UMA DEVI, J)**

6<sup>th</sup> July 2018  
RRB

