THE HONOURABLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.1857 of 2016

ORDER:

The prayer sought for in this writ petition is as under:

> ***"To issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus by declaring the action of the 2nd respondent herein in issuing the building permit order vide proceedings No.115/2014, dated 25.8.2014 to the respondent Nos. 4 and 5 herein without considering the representations dated 10.3.2014 and 16.7.2014 submitted by the petitioner as bad arbitrary, illegal, unconstitutional and in violation of principles of natural justice and consequently to direct the respondent No.2 to cancel the building permit order in proceedings No.115/2014, dated 25.8.2014 issued to the respondent Nos. 4 and 5 herein by considering the representations of the petitioners dated 10.3.2014, 16.7.2014, 21.10.2014 and 29.04.2015".***

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent No.2-Corporation.

The learned Standing Counsel appearing for the respondent No.2-Corporation placed on record the written instructions submitted by the respondent No.2-

Corporation. A perusal of the same would indicate that on 04.05.2015, the petitioner herein submitted a representation to cancel the building permission given in favour of respondent Nos. 4 and 5 *vide* proceedings No.115 of 2014, dated 25.08.2014. Acting on the said representation, the respondent No.2-Corporation have examined the matter and observed that the permission issued in favour of the respondent Nos. 4 and 5 is in respect of the land in Survey No.548/2 of Waddepally village, whereas the claim of the petitioner herein in his representation is in respect of land in Survey No.550 of Waddepally village. In view of the same, the Corporation felt that it cannot go into the issue of ownership and title and accordingly, *vide* proceedings Roc.No.HO/G1/ 16513/2015, dated 15.07.2015 intimated to the petitioner to approach the competent Court to decide the dispute between the petitioner and the respondent Nos. 4 and 5. However, a perusal of the affidavit filed in support of the writ petition will not indicate the proceedings, dated 15.7.2015, issued by the Corporation. By suppressing the said proceedings, conveniently, the petitioner has filed this writ petition on the ground that the representation submitted by him, while granting

permission in favour of the respondent Nos. 4 and 5, is not considered.

Therefore, in the light of the instructions submitted on behalf of the respondent No.2-Corporation, there are no merits in the writ petition and it is liable to be dismissed. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

JUSTICE P. KESHAVA RAO

Date: 26.04.2018
slk

THE HONOURABLE SRI JUSTICE P. KESHAVA RAO

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

WRIT PETITION No.1857 of 2016

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