

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.30691 of 2017

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration appearing for 1st respondent, Sri Sampath Prabhakar Reddy, learned Standing Counsel, for respondent Nos.2 to 4 and Sri T.Bala Mohan Reddy, learned counsel, for 7th respondent.

2. Petitioner has filed this Writ Petition questioning the inaction of the 2nd respondent to consider petitioner's representation dt.15-07-2017 to cancel building permission dt.15-07-2015 granted by 2nd respondent to 7th respondent.

3. According to the petitioner, respondent Nos.5 and 6 have entered into agreement of sale dt.28-10-2013 with the petitioner agreeing to sell an extent of 600 sq yds in Sy No.27 of Guttalabegumpet, Serilingampally Mandal, Rangareddy District for Rs.1,20,00,000/- with the petitioner and paid Rs.10,00,000/- as advance; thereafter, a registered Development Agreement-cum-GPA dt.06-01-2014 was also executed in his favour. He contended that permission for construction was granted to 7th respondent and that respondent Nos.5 and 6 have also filed W.P.No.28578 of 2015 requesting this Court to cancel the

building permission granted to 7th respondent and this Court directed consideration of that representation by respondent Nos.5 and 6.

4. Learned counsel for the petitioner reiterated the said contentions and pointed out that there was civil litigation also pending between the parties.

5. Learned counsel for 7th respondent however contended that issues of title to the property cannot be gone into by 2nd respondent, that any disputes of title can only be adjudicated in the competent Civil Court, and there is no provision in the GHMC Act, 1955 empowering 2nd respondent to decide disputed question of title. He also contended that having obtained permission on 15-07-2015, the 7th respondent had made construction substantially in the subject property and that at this stage, if any impediment is put to the completion of construction or dealing with the property by 7th respondent, grave and irreparable loss will be caused to 7th respondent.

6. Sri Sampath Prabhakar Reddy, learned counsel for respondent Nos.2 to 4, also contended that there is no power conferred on the 2nd respondent under the provisions of the said Act to decide disputed questions of title and that the permission

granted by 2nd respondent to 7th respondent on 15-07-2015 is subsisting as on date.

7. Learned counsel for the petitioner is unable to show any provision in the Act empowering 2nd respondent to decide disputed questions of title. Admittedly, it is the province of the Civil Court to decide disputed question of title to the property.

8. Therefore, granting liberty to the petitioner to avail appropriate remedy in the competent Civil Court for adjudication of the title of the petitioner vis-à-vis the 7th respondent, the Writ Petition is dismissed. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 06-04-2018
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