

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.27130 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development, appearing for the first respondent, Sri N. Praveen Kumar, learned Standing Counsel for GHMC, appearing for the second respondent, and Sri K.Vasanth Rao, learned counsel appearing for the third respondent, apart from perusing the entire material on record.

Petitioner herein claims to have purchased an extent of 242 sq.yards of vacant land situated in Sy.No.704 of Metpally, Karimnagar District from one Sri Gaddimidi Srinivas, by way of a registered sale deed No.807 of 2009, dated 17.06.2009. It is also the case of the petitioner that the Tahsildar, Metpally also effected mutation of revenue records vide proceedings No.B/42/2009, dated 04.02.2010. It is the further case of the petitioner that the third respondent is the owner of an extent of 294.19 sq.yards equivalent to 245.97 sq.mts in Sy.Nos.701 and 702 of Metpally and he obtained building permission from the second respondent vide permit No.3013/W13/2017/0573, dated 02.02.2018, for construction of ground + first floor in Sy.Nos.701 and 702 of Metpally.

When the petitioner herein submitted an application for grant of building permission for construction in Sy.No.704 of Metpally, the second respondent issued a short fall letter bearing File No.3013/W13/2018/0164, dated 08.06.2018, stating that W.P.Mo.40063 of 2017 is pending before this Court for grant of permission for the same proposed site.

It is brought to the notice of this Court that, earlier when the building application of the third respondent was not disposed of by the second respondent, the third respondent filed W.P.No.40063 of 2017 and the same was disposed of on 06.06.2018, with a direction to the second respondent-municipality to verify the representations of the third respondent, dated 04.09.2017, and 03.11.2017, for grant of building permission. In fact, long prior to the said order, the building permission was granted in favour of the third respondent on 02.02.2018. Admittedly, the third respondent herein sought building permission in respect of the land in Sy.Nos.701 and 702 and, according to the petitioner, the said plots have nothing to do with the petitioner's land in Sy.No.704.

On the other hand, learned counsel for the third respondent submits that the third respondent herein is the owner of the land in Sy.Nos.701 and 702 and the petitioner has no right, title or interest whatsoever in the the said land and the

petitioner is trying to knock away the said land by making false claim. It is further submitted that, under the guise of the invalid sale deed, dated 17.06.2009, petitioner herein is trying to obstruct the construction of the third respondent and illegally influencing the officials of the second respondent-municipality.

It is evident from a reading of the material on record that the petitioner herein submitted the building application only in respect of the land in Sy.No.704 but not for the land in Sy.Nos.701 and 702. It is also evident that the third respondent filed W.P.No.40063 of 2017, when there was inaction on the part of the second respondent in disposing of the application of construction of the building in Sy.Nos.701 and 792 of Metpally.

As stated supra, the said Writ Petition also came to be disposed of. It is also an admitted fact that, long prior to the disposal of the said Writ Petition, filed in the year, 2017, the building permission was granted in favour of the third respondent on 02.02.2018 and, therefore, the reason assigned by the second respondent in the impugned short fall notice cannot be sustained in the eye of law.

For the aforesaid reasons, Writ Petition is allowed, setting aside the short fall letter, dated 08.06.2018, directing the second respondent to process the building permission application of the petitioner for construction of the building in Sy.No.704 of

Metpally, strictly in accordance with law, and pass appropriate final orders, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

25th September, 2018.
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A.V.SESHA SAI,J

