

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.2227 of 2019

ORDER

Heard learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent No.2.

2. It is the case of the petitioner that he and Ms.Allu Jaya Madhavi were husband and wife and they went to U.S.A. and later they moved an application before the Court in U.S.A. seeking divorce. It is the case of the petitioner that during subsistence of their marriage, he purchased an open plot No.59 admeasuring 336.66 sq. yards in Phase-IX of Sy.No.1009, K.P.H.B. Colony, Kukatpally, Ranga Reddy District, through an open auction. It is his further case that on account of his love and affection towards his wife, he incorporated her name also in the sale transaction. It is the allegation of the petitioner that during pendency of divorce proceedings before the Court in U.S.A., he came to know that Ms.Allu Jaya Madhavi has alienated the aforesaid property in favour of her father (Ganta Tata Rao) and mother (Cheera Krishnaveni) and they are making efforts to construct in the said property. Immediately, on coming to know of the same, the petitioner has sent a registered legal notice dated 30.05.2016 to the 2<sup>nd</sup>

respondent-Commissioner, GHMC, Kukatpally Circle, Hyderabad, apprising him of all the facts and requested not to entertain any application for mutation and also not to grant permission for construction in the said property. In spite of the same, the 2<sup>nd</sup> respondent has granted permission in favour of Mr. Ganta Tata Rao vide GHMC Building Permit Order dated 22.12.2017 for construction of house in the said property. Hence, the writ petition.

3. The case of the petitioner is that though he addressed a registered legal notice dated 30.05.2016 to the 2<sup>nd</sup> respondent-Commissioner, GHMC, Hyderabad, he has not replied to the said notice and on the contrary to the request made by the petitioner not to grant permission in favour of father and mother of Ms. Allu Jaya Madhavi, has granted permission thereby permitting them to construct house in the plot in question.

4. Learned Standing Counsel for 2<sup>nd</sup> respondent-GHMC submits that there is no system of maintaining a caveat or a record with respect to each and every property and to take action in anticipation of any application raising objections either for developing the land or construction of building.

5. In view of the respective submissions, non-consideration of the registered notice dated 30.05.2016 alleged to have been sent by the petitioner before granting permission by the 2<sup>nd</sup> respondent, cannot be found fault with. However, in view of the allegations made by the petitioner in the said registered notice, interest of justice would be served if the 2<sup>nd</sup> respondent-Commissioner is directed to take into consideration the objections raised by the petitioner in the said notice dated 30.05.2016. Petitioner is at liberty to place all the material papers before the 2<sup>nd</sup> respondent so as to enable him to make assessment with respect to the allegation of the petitioner. It is needless to mention that as building permission was already granted in favour of Ganta Tata Rao for making construction, it is the duty of the 2<sup>nd</sup> respondent to issue notice to all the parties and follow due process of law before passing order on the objections raised by the petitioner.

6. With the above observation, the Writ Petition is disposed of. No order as to costs.

7. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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CHALLA KODANDA RAM, J

8<sup>th</sup> February, 2019  
Prv