

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3860 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondents 1 and 2, Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent No.3 and learned Government Pleader for Revenue for respondents 4 to 6.

2. This writ petition is filed challenging the action of the 2nd and 3rd respondents in not taking action against the 7th respondent, who is constructing the house in the land to an extent of Ac.3.16 gts in Sy.No.101/12, situated at Nagole Village, Uppal Mandal, Medchal-Malkajgiri District, without obtaining permission from the 2nd and 3rd respondents and not considering the representation of petitioner dated 19.12.2018.

3. Learned counsel for the petitioner submits that there is a title dispute with respect to the subject property and that the 7th respondent is making construction over the said property without any permission from the authorities concerned.

4. Admittedly, a title dispute is pending with respect to the subject property and that without ascertaining as to whether any permission was granted in favour of the 7th respondent or not, filing of this writ petition by the petitioner is premature and misconceived and the same is liable to be dismissed.

5. Accordingly, the Writ Petition is closed. However, the petitioner is at liberty to approach the Municipal Authorities under Right to Information Act and obtain specific information as to whether any permission obtained by the 7th respondent or not, and in the event there being no permission in favour of 7th respondent, petitioner is at liberty to bring the said aspect to the notice of the Municipal Authorities, who in turn take appropriate action in accordance with law.

At this stage, learned counsel for the petitioner prays to grant interim relief. However, the same cannot be granted as the Division Bench of this Court has categorically held that when the writ petition is disposed of giving liberty to the petitioner, no interim relief can be granted.

6. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

25th February, 2019

CHALLA KODANDA RAM, J

sj