

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**W.P.NO.6754 OF 2019**

**ORDER**

Aggrieved by the inaction of the respondents in granting building permission in pursuance of the applications of the petitioners Nos.3/C18/21814/2008 and 3/C18/21815/2008 dated 16.11.2018, the present writ petition has been filed.

Learned counsel for the petitioners submits that the petitioners have purchased the subject plot under a registered sale deed and filed the above referred applications for grant of building permission, but the respondents 2 and 3, based on an anonymous complaint, wherein defective title is alleged, kept the applications pending. Relying on the judgments of this court in

***SSPDL LTD. REP. BY ITS MANAGAING DIRECTOR vs.***

***HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY, REP.***

***BY ITS METROPOLITAN COMMISSONER<sup>1</sup> and T.RAMESHWAR v.***

***COMMISSIONER, MUNICIPAL CORPORATION OF HYDERABAD<sup>2</sup>,***

learned counsel for the petitioners' submits that the Commissioner has to *prima facie* satisfy with regard to title of the parties and grant permission and he cannot delve into the aspect of title and reject the permission and in case there is dispute with regard to title, the parties have to work out their remedies before a competent civil court and that cannot be a ground to reject the building permission. He submits that in the present case, the petitioners are relying on the registered sale deed in their favour, which *prima facie*

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<sup>1</sup> 2017(4) ALT 379

<sup>2</sup> 2006(5) ALT 582

satisfy the title in their favour, and hence, the Commissioner is not justified in keeping the building permission applications pending

On the other hand, Sri L.Venkateshwara Rao, learned Standing Counsel appearing for respondents 2 and 3 – Municipal Corporation, on instructions, submits that the respondents have received certain objections stating that the sale deed in favour of the vendor of the petitioners is fabricated. He submits that sale deed in favour of one Smt. P.Naga Nandini, who is the vendor of the petitioners, executed in the year 1992, is forged and the said P.Naga Nandini, in turn, executed the sale deed in respect of subject property, in favour of the petitioners in the year 2018. As the title is alleged to be defective, the building permission applications of the petitioners could not be processed. Relying on a judgment of this court in ***GUNTUKA RAJA RAM s/o RAJALINGAM vs. THE STATE OF TELANGANA***<sup>3</sup>, learned Standing Counsel submits that, no doubt, it is true that Commissioner is only required to examine the *prima facie* title of the applicant, but if any doubt / objection of serious nature is received, it may be desirable for him to obtain legal opinion to come to a conclusion as to whether the dispute in relation to title is of a serious nature and based on such legal opinion, he may take a decision either to grant or reject the permission for construction. He stated that in view of the above decision of this court, the 2<sup>nd</sup> respondent – Commissioner, will take appropriate decision in accordance with law on the applications of the petitioners.

In this case, it is to be noticed that as on date, the 2<sup>nd</sup> respondent has not taken any decision on the applications of the petitioners. Therefore,

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<sup>3</sup> W.P.No.7680 of 2016 dated 13.03.2017

without expressing any opinion on merits, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to pass appropriate orders in accordance with law, taking into consideration the law laid down in the decisions cited supra, on the building permission applications of the petitioners dated 16.11.2018, and communicate the same to the petitioners within a period of four weeks from today.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

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**CHALLA KODANDA RAM,J**

DATE:09—04—2019

AVS

