

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.11062 OF 2019

Date: 07.06.2019

Between:

B.Vishnuvardhan Reddy, s/o.Ramachandra Reddy,
Aged 42 years, occu: Business, r/o.H.No.21-15,
Gunj, Vadepally, Near Union Bank, Jadcherla,
Mahboobnagar district.

.....Petitioner

and

The State of Telangana, rep.by Prl.Secretary,
Department of Municipal Administration &
Urban development, Secretary Buildings,
Saifabad, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

This Writ Petition is filed challenging the building permission application granted in favour of 4th respondent on 07.02.2019. A reading of the prayer sought in the Writ Petition would show that petitioner alleges that though complaint was lodged by him on 19.01.2019, building permission was granted without considering his complaint.

2. As fairly submitted by the learned counsel for petitioner, suit was filed by the petitioner in the year 2018, numbered as O.S.No.52/2019, but as suit is pending, building permission could not have been granted. O.S.No.52 of 2019 is renumbered as O.S.No.6 of 2019 in the Court of V Additional Junior Civil Judge, Kukatpally. However, it is seen from the record that in I.A.No.61 of 2019 in O.S.No.6 of 2019, *status quo* order was granted on 08.03.2019. In other words, before 08.03.2019 there was no order restraining to grant building permission and the order that was passed on 08.03.2019 was *status quo* order. Further, GHMC was not a party to the said suit. Therefore, when the building permission application was processed, there was no impediment in considering building permission application. Learned counsel for petitioner sought to contend that 4th respondent has no manner of right over the property and he could not have obtained building permission for undertaking construction. He further submits that 4th respondent himself instituted O.S.No.1094 of 2019 pending in the Court of 1st Senior Civil Judge, Ranga Reddy District at L.B.Nagar, praying to grant perpetual injunction, including

declaration of ownership over the subject property. This points out that ownership of property does not vest in 4th respondent. Having regard to this subsequent development also, building permission could not have been granted. As noted above, apparently suit was instituted by 4th respondent subsequent to granting of building permission. Further, what is required by the competent authority to process building permission application was to look into the documents filed by the applicant to assess, *prima facie* ownership claim, but cannot undertake thorough enquiry on title. Therefore, there was no illegality in granting building permission.

3. Since two rival suits are pending and injunction order was already granted by the trial Court, it is open to petitioner to work out his remedies, including on issue of alleged construction activity that may have been taken up by 4th respondent, in pending suits. As on *inter se* dispute is seized by the civil Court, this Court is not inclined to entertain the Writ Petition and to keep the Writ Petition pending. Writ Petition is accordingly dismissed, granting liberty to petitioner to avail appropriate remedy in pending suits. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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