

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.11271 OF 2019

Date: 11.06.2019

Between:

G.Ramakrishnam Raju, s/o. G.V.Raju,
Aged about 48 years, occu: Business,
R/o. Plot No.6, Filmnagar Cooperative
Society, Road No.11, Jubilee Hills,
Hyderabad.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Department of Municipal Administration and
Urban Development, Secretariat, Hyderabad
and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to have purchased undivided share property i.e., Ac.4.24.5 guntas of land in Sy.Nos.69 & 70 of Gachi Bowli village, Serilingampally Mandal, Ranga Reddy district, through agreement of sale-cum-General Power of Attorney with possession vide document bearing No.7311/2007 dated 18.05.2007. According to petitioner, original owner was Sri C.S.Raghavaiah. On his death, he left behind his wife, son and three daughters as legal heirs and successors, and all the five persons mentioned in paragraph-4 of the affidavit filed in support of the Writ Petition are having five equal shares and interest over the property of deceased Ch.Raghavaiah. Petitioner alleges that son-Ch.Srikanth and wife-Susheela of Raghavaiah illegally executed General Power of Attorney in favour of one Shankarlal through document No.282 of 1985 without paying sale consideration to the remaining family members. After death of Smt. Susheela, daughters being co-parceners filed O.S.No.1058 of 2007, pending in the Court of V Additional District Judge, Ranga Reddy district, for partition and separate possession in respect of the subject property. Petitioner now alleges that GPA holder-Shankarlal has alienated the plot Nos.96, 97, 138 and 141. Alleging that such illegal alienation is not valid, petitioner as GPA holder instituted O.S.No.2345 of 2008 in the Court of VII Additional Senior Civil Judge, Ranga Reddy district and the said Court granted permanent injunction vide judgment and decree dated 20.07.2009. In the above background facts, petitioner prays to declare the action of respondents in not taking steps to stop the

construction over the petitioner's land in survey numbers mentioned above as illegal, and to direct the respondents not to grant building permission on the above extent of land.

2. None of the persons against whom claims are made are made parties to the writ petition, though declaration sought in the writ petition directly affects their right/interest in the property. Further, no material is placed on record to show how the building permission applications were illegally processed and building permissions were illegally granted. Furthermore, as per the averments in the affidavit filed in support of the writ petition, suit filed by the daughters for partition and separate possession is said to be pending consideration of competent Court. Nothing prevented the petitioner to place before the competent Court all the relevant material, and to seek appropriate reliefs. Further, as seen from the averments in the representation dated 20.07.2018, building permissions were already granted to the persons, and they are accordingly undertaking constructions. Therefore, construction cannot be described as illegal. On the above assessment of the issue in the writ petition, Court is not inclined to entertain the writ petition. Writ Petition is accordingly dismissed, leaving it open to petitioner to work out his remedy as available in law. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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