THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13567 OF 2019

DATED :05.07.2019

Between :

Sri N. Janardhan Reddy,
S/o.N.Ram Reddy,
Aged 71 yrs, Occu : Business,
R/o.Flat No.102,
H.No.06-108/1/1, Jeedimetla Village,
Qutubullapur (M),
Behind IOC Petrol Pump,
Medchal-Malkajgiri District,
Telangana State, India & others.

.. Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for respondent No.1, Sri Chatla Madhu, learned Standing counsel for Respondent No.2 and Sri V.Narsimha Goud, learned Standing counsel for respondent No.3.

2. Petitioners claim to be the joint owners of property in Sy.No.193, Jeedimetla Village, Quthubullapur Mandal, Ranga Reddy District. According to petitioners, a development agreement was entered into with 4th respondent on 04.05.2016 and another development agreement-cum-General Power of Attorney on the same day. Petitioners allege that residential portion of the building was completed but there are discrepancies with reference to the issue of construction. Petitioners allege that on an application filed by them, under Right to Information Act, they have come to know that conversion of land was made by 4th respondent on 28.10.2015 by forging the signature of Smt. N. Padmavathi wife of 1st petitioner and NLN Reddy who is the son of 1st petitioner. Petitioners allege that no such signatures were appended by those two persons and they stayed in United States of America as on the date of signatures appended to the document. Having come to know about the alleged illegality, petitioners claim to have filed objections against processing the building permission

application made by the 4th respondent. On 12.06.2019 the Commissioner, GHMC has communicated to the petitioners that their objections cannot be upheld and building permission application made by 4th respondent would be processed to grant permission to construct 2-Cellars, Ground + 4 upper floors. This proceeding is challenged in this writ petition.

3. Learned counsel for petitioners made extensive submissions by taking through the documents placed on record.

4. According to learned counsel for the petitioners as the document which was the basis to set in motion for processing the building permission application is a forged document, the respondent Corporation ought not to have entertained the application to grant building permission and by entertaining such application grave prejudice would be caused to the petitioners, as the same is a fraudulent exercise.

5. The issue for consideration before the GHMC is whether the application was made supported by documents to show *prima-facie* title to develop the property in issue and on being satisfied, permission can be granted.

6. Petitioners allege forgery of document forming part of basis for making application to the extent of conversion of agricultural land to non-agricultural purpose. The issue of forgery cannot be gone into by the GHMC, as it requires leading of evidence and consideration of various aspects concerning the allegation. Thus, if petitioners contend that the 4th respondent played fraud and forged the signatures of wife and son of 1st petitioner and submitted the document which is not legally

valid, the remedy available to them is in civil law, and as long as the documents are not declared as forged and not valid, the Municipal Corporation cannot be directed to ignore the document in processing the application for grant of building permission. I do not see any illegality in the decision of the 4th respondent made on 12.06.2019.

7. Thus, leaving it open to the petitioners to work out their remedies against alleged illegalities committed by 4th respondent in the guise of granting him the development agreement, development agreement-cum-GPA, the Writ Petition is dismissed. It is needless to observe that if petitioners succeed in establishing or obtain appropriate orders from the competent Court, it is always open to them to go before the GHMC for review of the decision earlier made. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

5th July, 2019
Rds