

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13815 OF 2019

Date:09.07.2019

Between:

Sri J.M. Devdutt, S/o. M. Krishnamurthy,
Aged 38 years, Occ: Business,
R/o.5-2-27, R.P. Road, Secunderabad
and others

.. Petitioners

And

The Commissioner, Hyderabad Metropolitan
Development Authority, Block 'A', District
Commercial Complex, Tarnaka,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.13815 OF 2019****ORDER:**

Heard.

2. Petitioners claim that they own total extent of Acs.24.35 guntas of land in Survey Nos.31, 33, 36 and 37 of Kokapet Village, Rajendranagar Mandal, Ranga Reddy District. They claim to be in lawful and uninterrupted physical possession from the date of acquisition of the properties. While so, some illegal sale transactions were created by the unofficial respondents and based on the same, building permission applications were made. Without looking into the validity of the documents relied upon by the unofficial respondents, building permissions were granted. Petitioners allege that they filed their objections, but they were not considered. Petitioners claimed to have got issued legal notice on 09.04.2019 bringing forth the creation of fraudulent documents by unofficial respondents and setting up a claim illegally and obtaining building permission and therefore call upon the Municipal Corporation to recall the building permissions sanctioned in favour of the unofficial respondents, as the said permissions were obtained behind the back of the petitioners on the property belonging to them on the basis of created, fabricated and manipulated sale deeds by committing fraud and such sale deeds cannot be permitted to continue any further. They also sought to request the registering authorities not to entertain the sale deed or deeds that are likely to be presented for registration of the land or part of the land mentioned above. Further prayer was to direct the unofficial respondents 13 to 17 to desist from

pursuing the authorities for any building permission and presenting sale deed/s.

3. In substance, according to learned counsel for the petitioners, while sanctioning building permission, the competent authority ought to have verified the genuineness of the documents presented before him vis-à-vis the documents standing in their names and he ought to have gone into the validity of the documents. Further, when these facts are placed before the competent authority through legal notice issued on 09.04.2019, not acting upon the same is *ex facie* illegal.

4. Material on record would disclose that there is property dispute between the parties. A reading of the notice and reply furnished thereof *prima facie* would show that parties are disputing respective claims of ownership. While the petitioners claim that title has passed on to them and they are entitled to claim ownership, the respondents resist the same by rejecting the very ownership claim of the vendors of the petitioners. It is not in dispute that certain applications were made based on the title claim and on *prima facie* verification of the documents in support of the claim, the permissions were granted. That being so, the Municipal Corporation or the registering authority cannot enter into the *inter se* dispute of ownership and validity of the documents on which reliance is placed to claim the ownership. These are all matters which require adjudication before the competent Court.

5. Until and unless there is adjudication on the title claim by competent Court and a declaration is obtained, petitioners cannot

ask the revenue authorities to mutate their names in the revenue records. The prayer sought by the petitioners cannot be granted.

6. Hence, leaving it open to the petitioners to work out their remedies as available in law, the Writ Petition is dismissed. Miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:09.07.2019

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