

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13872 OF 2019

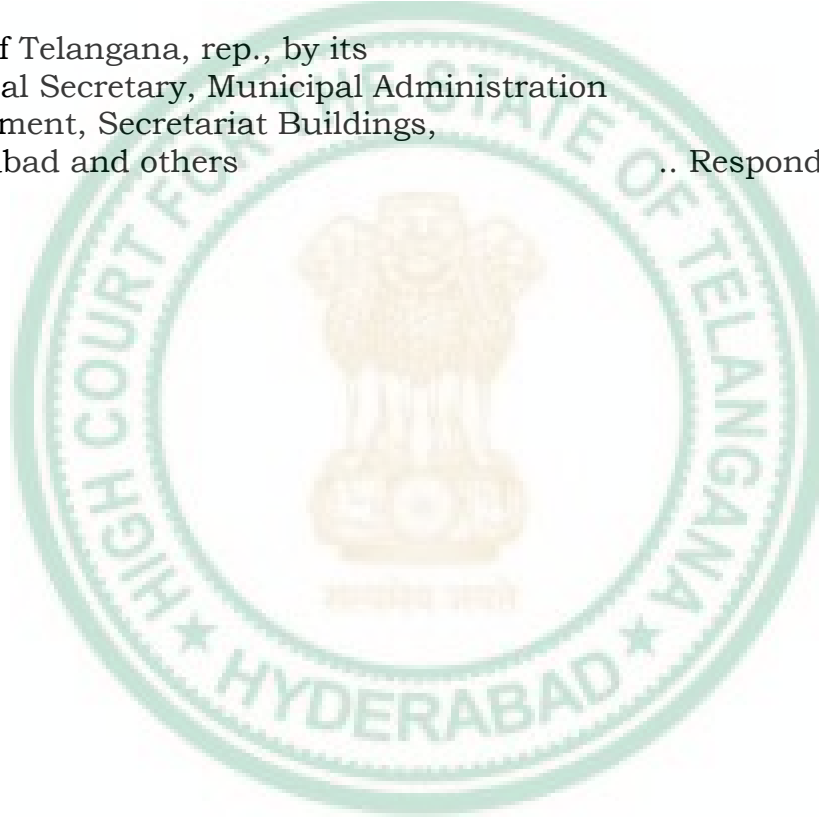
Date:31.07.2019

Between:

Keta Vijaya Satyanarayana,
S/o. K. Rama Krishna, Aged about
46 years, Occ: Business,
R/o.H.No.3-5-98/2/c, Shivanagar
Colony, Hyderguda Village, GHMC
Rajendranagar Circle, Ranga Reddy
District, Telangana State and another .. Petitioners

And

State of Telangana, rep., by its
Principal Secretary, Municipal Administration
Department, Secretariat Buildings,
Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13872 OF 2019

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration for respondent No.1 and learned standing counsel for respondents 2 to 3.

2. Petitioners obtained building permission for construction of stilt + five upper floors for house bearing No.1-2-116/15/B/2 in Plot No.1 of Budvel Village, Rajendranagar Mandal, on 20.04.2019. This Writ Petition is filed alleging that the respondent - Municipal Corporation is interfering with the construction activity even though the petitioners had valid building permission.

3. Ordinarily, the Court cannot entertain the Writ Petition filed on an apprehension that Municipal Corporation is interfering. However, having regard to the fact that there is rival claim, the unofficial respondent filed caveat and that the respondent - Municipal Corporation addressed the Tahsildar to conduct survey and in response thereof, the Tahsildar informed the respondent - Municipal Corporation that the plot claimed by the petitioners is not in Survey No.459, this writ petition is considered.

4. Extensive submissions are made by learned counsel for the petitioners, learned standing counsel for the respondent - Municipal Corporation and learned counsel for the unofficial respondent.

5. It is not in dispute that the subject property is falling in Survey No.479 and according to the unofficial respondent, his land

is falling in survey No.459. The unofficial respondent contends that in the guise of claiming land in Survey No.479, the petitioners are encroaching into the land of the unofficial respondent in Survey No.459.

6. The unofficial respondent along with some others filed O.S.No.494 of 2018 on the file of IX Additional Senior Civil Judge, Ranga Reddy District, praying to grant permanent injunction against the petitioners. He also filed I.A.No.406 of 2018. By order dated 10.04.2019, the application filed for grant of injunction was rejected. It appears, the matters are being pursued further aggrieved by the said decision of the learned Judge.

7. Be that as it may, the only issue for consideration is, whether the Municipal Corporation can interfere with the construction activity even though a valid building permission granted by the Municipal Corporation is subsisting and the construction is not made in deviation from the permission granted to the petitioners.

8. According to the averments in the counter affidavit filed on behalf of GHMC, the GHMC is not interfering with the construction activity of the petitioners. However, the GHMC goes on to contend that the petitioners have to satisfy the claim of ownership on land.

9. Across the Bench, learned counsel for the petitioners informs the Court that on 19.07.2019, a show cause notice was issued calling upon the petitioners to file relevant documents in support of their claim and petitioners have submitted the documents.

10. Apparently, this is not a notice issued under Section 450 of the Greater Hyderabad Municipal Corporation Act and further no steps are taken in accordance with law even assuming that what is contended by the unofficial respondent is true.

11. The Writ Petition is disposed of leaving it open to the petitioners and the unofficial respondent to work out their remedies in accordance with law and for the GHMC to take appropriate action on the complaint lodged by the unofficial respondent. Further, the GHMC is directed not to interfere with the construction as long as the building permission granted on 20.04.2019 is subsisting and no further orders are passed by the competent Court.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:31.07.2019

KH

P.NAVEEN RAO, J