

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14243 OF 2019

Date:19.08.2019

Between:

Smt. A. Nirmala, D/o. A. Tirupathi Reddy,
Aged 49 years, Occ: Business, R/o. Plot
No.269, Kamalapuri Colony, II Phase,
Srinagar Colony, Hyderabad and another .. Petitioners

And

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



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.14243 OF 2019****ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration for respondent No.1, Sri N. Ashok Kumar, learned standing counsel for GHMC for respondent No.2.

2. Petitioners claim to be the owners of property bearing Municipal Nos.1-1-161/A/1, 1-1-161/B/1, 1-1-161/C/1 and 1-1-161/D/1 consisting of ground floor having a built up area of 47.00 sq. feet, first floor and second floor each having a built up area of 947 sq. feet and third floor having a built up area of 529 sq. feet (total built up area 2,470 sq. feet) on a land admeasuring 90.00 sq. yards out of 110 sq. yards situated at Charminar Chowrastha, RTC X Roads, Hyderabad. In this Writ Petition, petitioners allege that the unofficial respondents are undertaking construction of the building in the said premises by demolishing the existing building and the same is illegal. They further allege that they lodged complaints against the alleged illegal construction, but so far no action is taken by the respondent – Municipal Corporation. Therefore, the petitioners seek a direction to the respondent – Municipal Corporation to stop the construction activity by unofficial respondents in the first petitioner's property till disposal of O.S.No.5 of 2016.

3. Petitioners filed O.S.No.5 of 2016 pending in the Court of II Additional Chief Judge, City Civil Court, Hyderabad, praying to declare that plaintiff No.1 is the absolute owner of the properties,

referred to above, and to direct defendants 1 and 2 to pay mesne properties from December, 2012 to January, 2016. In other words, the claim of the petitioners that they are the absolute owners is pending consideration by the competent civil Court. It is not the case of the petitioners that unofficial respondents are undertaking construction without obtaining permission. The claim that the property belongs to them requires adjudication by the competent Court. Until and unless the competent Court holds that the petitioners are the owners, building permission granted in favour of the unofficial respondents cannot be held to be illegal. Therefore, this Court cannot issue directions as sought for in the Writ Petition.

4. The Writ Petition is accordingly dismissed leaving it open to the petitioners to prosecute the pending suit and seek appropriate directions therein. Miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:19.08.2019

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