

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15138 OF 2019

ORDER:

Heard.

2. Petitioner claims to be the co-owner of the property admeasuring 600 Sq.Yards bearing municipal H.No.5-8-40, Fateh Sultan Lane, Nampally Station Road, Hyderabad. It appears, petitioner lost suit filed for partition before the trial Court. Aggrieved thereby, he preferred A.S.No.175 of 1995 and the said appeal is pending consideration of this Court. Petitioner also filed O.S.No.955 of 2019 on the file of the IV Junior Civil Judge, City Civil Court, Hyderabad, seeking cancellation of the sale deed executed by the co-owners in favour of the unofficial respondent. It appears, the unofficial respondent applied for building permission and the same was granted. Petitioner made a representation for cancellation of the building permission granted in favour of the unofficial respondent. Alleging that the respondent-Corporation was not disposing of the representation for cancellation of the building permission, petitioner filed W.P.No.7598 of 2019 and this Court by order dated 10.04.2019 disposed of the writ petition directing the respondent-Corporation to examine the case of the petitioner and to take appropriate decision as warranted by law. By impugned order dated 01.07.2019, the petitioner was informed that the building permission was validly granted and cannot be cancelled.

3. Admittedly, as noted above, petitioner is unsuccessful before the trial Court and his claim for share in the joint family property thus negatived. Unless, the petitioner succeeds in the

first appeal pending before this Court or in the subsequent civil suit filed in the year 2019, the building permission granted cannot be held to be illegal. Mere pendency of civil suits, without any interim orders, is not a ground for cancellation of building permission already granted.

4. Accordingly, the writ petition is dismissed leaving it open to the petitioner to work out his remedies as available in law.

5. Miscellaneous petitions, pending if any, shall stand closed. No order as to costs.

22nd July, 2019
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P. NAVEEN RAO, J

