

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT APPEAL No.691 of 2019

Date: 23.08.2019

Between:

Sri J.M.Devdutt
and two others.

... Appellants

And

The Commissioner,
Hyderabad Metropolitan Development Authority,
Block 'A', District Commercial Complex,
Tarnaka, Hyderabad 500 007
and four others.

... Respondents

Counsel for the Appellants : Sri C.Hanumantha Rao

Counsel for Respondent No.1 : Sri Y. Rama Rao,
Standing Counsel for HMDA

Counsel for Respondent Nos.2 & 3 : Sri Sampath Prabhakar Reddy
Standing Counsel for GHMC

Counsel for Respondent Nos.4 to 8 : Sri Pavan Reddy,
Asst.Govt. Pleader for Revenue

Counsel for Respondent Nos.9 to 11 : Govt. Pleader for Home

Counsel for Respondent Nos.12 to 17 : None appeared

The Court made the following:

JUDGMENT: *(Per Hon'ble Dr.Justice Shameem Akther)*

This appeal, under Clause 15 of Letter Patent, is filed by the appellants-writ petitioners, aggrieved by the order dated 09.07.2019 passed in W.P.No.13815 of 2019, wherein the learned Single Judge declined to grant the relief prayed for and dismissed the writ petition.

2. Heard Sri C.Hanumantha Rao, learned counsel for the appellants, Sri Y.Rama Rao, learned Standing Counsel for HMDA/ respondent No.1, Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC/respondent Nos.2 & 3, Sri Pavan Reddy, learned Assistant Government Pleader for Revenue/respondent Nos.4 to 8, learned Government Pleader for Home/respondent Nos.9 to 11 and perused the record.

3. The facts that led to filing of this appeal are that the appellants-writ petitioners claim to own a total extent of Acs.24.35gts of land in Sy.Nos.31, 33 and 37 of Kokapet Village, Rajendranagar Mandal, Ranga Reddy District and are in lawful and uninterrupted physical possession from the date of acquisition of the said properties. It is the grievance of the appellants-writ petitioners that the unofficial respondents created some illegal sale transactions and made building permission applications and obtained building permissions. Appellants-writ petitioners filed objections, but in vain. The appellants-writ petitioners claim to have got issued legal notice on 09.04.2019 to the official respondents bringing forth the creation of fraudulent documents by the unofficial respondents and requested to recall the building permissions sanctioned in favour of the unofficial respondents. They also requested the registering authorities not to entertain the registration with regard to the subject property and to

desist the unofficial respondents from pursuing the authorities for any building permission and presenting sale deeds.

4. Learned counsel for the appellants-writ petitioners would contend that the appellants-writ petitioners are in uninterrupted physical possession of the subject property. Some bogus transactions were created by unofficial respondents and applications for building permissions were made. The respondents 1 to 3 without examining the documents filed by the unofficial respondents accorded building permission, which is *per se* illegal, contrary to the governing regulations. Even a legal notice dated 09.04.2019 issued to the respondent official authorities did not yield any result. The building permissions were granted beyond back without giving any opportunity to the appellant-writ petitioners and ultimately prayed to set aside the impugned order and allow the writ appeal as prayed for.

5. On the other hand, learned counsel for the respondents supported the impugned order and ultimately prayed to dismiss the appeal and sustain the impugned order.

6. In view of the above submissions, the point that arises for determination is:

“Whether the impugned order dated 09.07.2019 passed in W.P.No.13815 of 2019 by the learned Single Judge, is liable to be set aside?”

7. The material placed on record as well as the impugned order reveals that appellants-writ petitioners raised a dispute in respect of title and possession of an extent of Acs.24.35gts of land in Sy.Nos.31, 33 and 37 of Kokapet Village, Rajendranagar Mandal, Ranga Reddy District. Basing on the title deeds, connected material documents and on compliance with the requirements, the official respondent authorities accorded construction permissions. Issuance of notice

dated 09.04.2019 reveals that the writ petitioners have knowledge of the proceedings relating to applications for grant of permissions to construct building and the result thereof. The respondent authorities after examining that the documents are in accordance with the governing regulations and after *prima facie* satisfying that the applicants have title and possession over the subject property, accord permission for construction. The authorities need not go in detail and examine the dispute of title in respect of the subject property. If any person is aggrieved with regard to issuing of permission claiming title and possession over the property, he shall have to file a comprehensive suit before a competent Civil Court. As seen from the entire material placed on record, the appellants-writ petitioners had raised serious dispute of title and possession over the subject land. Those disputes cannot be adjudicated under the writ jurisdiction by this Court. Even if the appellant-writ petitioners are aggrieved by grant of construction permissions, there is efficacious remedy available to them before a competent civil Court. The learned Single Judge rightly dismissed the writ petition keeping it open to the appellants-writ petitioners to work out their remedies as available under law.

8. The writ appeal is devoid of merits and is accordingly dismissed at the admission stage. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall also stand dismissed.

RAGHVENDRA SINGH CHAUHAN, HCJ

Dr. SHAMEEM AKTHER, J

Date: 23.08.2019
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