

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18798 of 2019

ORDER:

This writ petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, the petitioners herein prays that this Hon’ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in approving the plans submitted for making constructions in the land located in Sy.No.222, Gajularamaram Village, Qutbullapur Mandal, Medchal-Malkajgiri District (earlier Rangareddy District) and also allowing to make constructions as illegal, arbitrary, unconstitutional, unwarranted and against the principles of natural justice and direct them to prevent the ongoing constructions and not to approve any plans for making constructions in the aforesaid land till the matters are pending...”

It is the case of the petitioners that their father along with others purchased the land admeasuring Acs.84.35 guntas in Survey No.222 situated at Gajularamaram Village, Qutbullapur Mandal, Ranga Reddy District, through an agreement of sale dated 07.09.1981; that as the vendors did not execute the registered sale deed, their father and others filed O.S.No.190 of 1987 for specific performance and the said suit was decreed vide judgment dated 10.03.1992 and the same had become final; that they are in possession and enjoyment of the subject land; that some other persons approached the authority concerned and

obtained Occupancy Rights Certificates in their favour with respect to the subject land; that the appeal filed by the petitioners before the Joint Collector was dismissed on the ground of delay of eight years and questioning the said order, they filed CRP.No.1679 of 2008 and this Court allowed the same vide order dated 20.11.2018 by directing the Joint Collector to dispose of the appeal filed by the petitioners within three months from the date of receipt of the copy of the order and the parties to maintain status quo till disposal of the appeal and that as on date, the matter is pending before the Joint Collector.

Learned counsel for the petitioners submits that entire Survey No.222 is in dispute and the order of status quo passed by this Court is in force, as such, it is not appropriate for the authorities to grant building permissions to anyone in relation to the said Survey Number. He further submits that the petitioners gave several representations, the latest one being dated 12.07.2019, to the respondents not to grant any permission for making construction on the land pertaining to the said Survey Number.

On the other hand, learned Standing Counsel for Greater Hyderabad Municipal Corporation submits that the respondent Corporation does not have any system of maintaining caveats and that the parties, who approach the authorities of the Corporation

for grant of permission for construction, typically come with the registered sale deeds pertaining to small extents of land and by mentioning plot numbers and it is not feasible for the municipal authorities to keep track of individual applications. He further submits that for the purpose of granting construction permission, the municipal authorities are required to see the *prima facie* title and they are not entitled to decide on the validity or otherwise of the title even in the cases where there are disputes raised. In the circumstances, there being no system of maintaining caveats, the relief, which the petitioners seek, cannot be granted.

Having regard to the respective submissions and there being no system of maintaining caveats by the municipalities, in the peculiar facts of the case, the relief which the petitioners seek cannot be granted by this Court, particularly, when they are not aware of the persons who approach the municipal authorities for grant of permission for construction.

Accordingly, the writ petition is dismissed.

Miscellaneous Petitions, if any pending, shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

29th AUGUST, 2019.

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