

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.24957 OF 2019

O R D E R

The grievance of the petitioners is that is that while his application seeking for regularization of the subject property under Land Regularization Scheme (LRS) is pending consideration and the suit filed by him in O.S.No.215 of 2019 on the file of Principal District and Sessions Judge at Warangal, for declaration of title, recovery of possession and for cancellation of sale deeds executed in favour of the 4th respondent, is pending adjudication, the 2nd respondent – Greater Warangal Municipal Corporation, granted building permission to the 4th respondent vide 3006/18425/W45/2019 dated 16.06.2019, and hence the same is illegal and arbitrary.

Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration for 1st respondent and Sri M.Ajay Kumar, learned Standing Counsel for 3rd respondent – Kakatiya Urban Development Authority.

Smt. Pingali Lakshmi, learned Standing Counsel for 2nd respondent submits that as the 4th respondent produced required documents, permission was granted. She submits that as per the material papers filed by the petitioner, he filed suit on 22.08.2019 and the impugned permission was granted on 16.06.2019 and, more so, no injunction was granted. Therefore, the action of the respondent No.2 cannot be found fault with.

Sri L.V.Rama Rao, learned counsel appearing for the 4th respondent submits that petitioner is claiming right in the land in Sy.No.221/A, where as

the 4th respondent is not claiming the right in the said survey number and hence, petitioner cannot have any objection.

It is to be seen that petitioner filed comprehensive suit for recovery of possession, which goes to show that he is not in possession of the property. Further, as submitted by the learned Standing Counsel for 2nd respondent, suit was filed on 22.08.2019 and the permission was granted on 16.06.2019. Mere grant of building permission will not confer any title, and since a comprehensive suit for declaration of title and for recovery of possession and for cancellation of sale deed is pending adjudication between the parties, grant of permission will always be subject to the result of the suit. Moreover while granting building permission respondent authorities will look into *prima facie* title of the applicant and they are not expected to conduct roving enquiry into title. It is open for the petitioner to pursue the injunction application already filed in the suit.

With the above observations, writ petition is disposed of.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:19—11—2019

AVS