

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.25943 of 2019

ORDER :

This writ petition is filed seeking *Mandamus* to declare action of the respondents in not considering the representation dt.08.11.2019 made by the petitioners, as illegal, arbitrary and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, and consequently, sought a direction to the respondents to consider and dispose of the said representation dt.08.11.2019 as per law.

Heard Smt. M. Shalini, learned counsel for the petitioners, as well as Ms. Pingali Lakshmi, learned Standing Counsel for respondent No.2, and Sri A. Prabhakar Rao, learned counsel for unofficial respondent Nos.4 to 6.

Learned counsel for the petitioners submits that the petitioners are GPA Holders of one Sri K. Mahender, s/o. Ramaiah, who is the owner of the Plot to an extent of 2,419 sq. yards in Sy.No.573 of Shyampet Jagir, Hanamkonda Mandal, Warangal District, vide registered Sale Deed document bearing No.1551/2016, dt.09.02.2016. While so, when unofficial respondent Nos.4 to 6 are taking steps for making construction in the plot of the petitioners in Sy.No.573, the petitioners have made representation dt.08.11.2019 for taking action against unofficial respondent

Nos.4 to 6 for making illegal constructions in their plot, however, no action is being taken by the respondents.

Ms. Pingali Lakshmi, learned Standing Counsel for respondent No.2 submits that basing on the documents submitted by unofficial respondent Nos.4 to 6 only permission was granted to them on 01.04.2018. She also submits that if there are any civil disputes between the petitioners and unofficial respondent Nos.4 to 6, it is for the petitioners to approach the competent Civil Court for resolution of their grievance and mere granting of permission does not confer any title over the subject property to unofficial respondent Nos.4 to 6.

On the other hand, while reiterating the counter averments filed by unofficial respondents, learned counsel for unofficial respondent Nos.4 to 6 submits that unofficial respondents have purchased the subject property through registered Sale Deed dt.22.08.2003 and after considering the documents filed by them only, the official respondents have granted construction permission and pursuant to the said permission, structures were also raised in the subject premises.

From a reading of the writ affidavit filed by the petitioners and the counter affidavit filed by unofficial respondent Nos.4 to 6, it is evident that there exist a civil

dispute between the petitioners and unofficial respondent Nos.4 to 6 in respect of the subject property. Since it is represented that permission has already been granted to unofficial respondent Nos.4 to 6 and structures were also raised in the subject property, this Court is of the considered view that the petitioners have to workout their remedy in respect of the subject property before the appropriate Civil Court.

Accordingly, this writ petition is disposed of granting liberty to the petitioners to workout their remedy in respect of the subject property before the appropriate Civil Court in accordance with law. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

02.12.2019.
Msr

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