

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28848 OF 2019

DATED : 31.12.2019

Between :

Smt Kannam Kanakataru W/o.Sri K.Anjaiah,
Aged about 70 yrs, Occu : Housewife,
R/o.Plot No.713/3, O.U.Colony, Shaikpet,
Hyderabad -08

..... Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
(Municipal Administration & Urban Development),
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration & Urban Development for respondent No.1 and Sri Pasham Krishna Reddy, learned Standing counsel for respondent Nos.2 and 3.

2. Petitioner claims that she is the owner of house bearing Plot No.8-1-284/OU/713/3 situated at O.U.Colony, Shaikpet. However, even according to petitioner the said house number is disputed and O.S.No.499 of 2018 is pending in the Court of XXV Additional Chief Judge, City Civil Court, Hyderabad. Petitioner alleges that a person by name Sri K.Srinivas, husband of 4th respondent started construction on the southern side of Plot No.713/4, but he used the house number of petitioner i.e., 713/3. In spite of filing objections that illegally the house number belonging to the petitioner was mentioned by the 4th respondent, no steps are taken. In response to the complaint filed by the petitioner, she was served with letter dated 18.07.2019 directing her to show the ownership documents and all other supporting documents. Petitioner alleges that the documents requested by the Municipal Corporation were already submitted, but so far no action is taken.

3. The averments in the writ petition and the grounds urged would disclose that O.S.No.1743 of 2013, O.S.No.257 of 2014 and O.S.No.499 of 2018 are pending. There appears to be dispute regarding ownership on plot number between the petitioner and 4th respondent. The 4th respondent earlier filed W.P.No.24827 of

2018 alleging that without building permission, petitioner herein was making unauthorized construction and sought for direction not to issue occupancy certificate, not to regularize the illegal constructions and not to provide water and sewerage connections. This Court having taken note of the statement of learned standing counsel for GHMC that notices were already issued against unauthorized constructions, directed the GHMC to follow due procedure, to take action against unauthorized constructions and to file action taken report. Petitioner now alleges that the 4th respondent has also not obtained building permission and is making unauthorized construction.

4. Thus, leaving it open to the respondent Corporation, to take appropriate action against unauthorized construction, if any made, by the 4th respondent, the issue for consideration is that petitioner alleges that the 4th respondent is trying to make illegal construction on plot belonging to her. As noted above, there appears to be dispute between the petitioner and 4th respondent and her husband on the plot numbers respectively, claimed and three suits are pending in the Civil Court. Therefore, mandamus cannot be issued to Municipal Corporation directing them to decide as to who is in occupation of which plot, as that would be amounting to trenching into the issue pending before the civil Court and also would amount to independently deciding the issue regarding ownership claim, which cannot be entertained by the Municipal Corporation.

5. Thus, leaving it open to the petitioner to work out her remedies as available in law, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

31st December, 2019
Rds

