

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No.29035 of 2019

ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development Department and Sri N.Praveen Kumar, learned Standing Counsel for Respondent No.2-Municipality.

2. According to the petitioner, his grand father was the pattadar of land admeasuring Ac.0-13 guntas in Survey No.13 situated at Pallaburz, Narayanpet village, Mahabubnagar district and he executed Gift Settlement Deed bearing Doc.No.335/1997 dated 2.4.1997 in favour of AL-MAKKAH Educational Society, represented by its President, Vice President, General Secretary, Joint Secretary, Treasurer and Founder Member, whose names are mentioned in paragraph 3 of the writ affidavit. The society was registered on 18.10.1989 under Public Societies Registration Act, 1350 Fasli with the primary object to provide educational facilities, especially to minority community of Mahabubnagar district, particularly to Muslim community of Narayanpet.

3. Petitioner alleges that the persons who claim to be office bearers and founder members of the said society have created false transactions by executing sale deeds in favour of their family members and based on the same, they made application for building permission. Having come to know about the same, petitioner filed representations to the authorities concerned for cancelling the building permission. Alleging inaction on the said representations, the present writ petition is filed.

4. It is not in dispute that the property was gifted in favour educational society, represented by the persons who are claiming to be managing the affairs of the society. There exists a valid sale deed as on today and unless and until the said sale deed is cancelled by due process of law, it cannot be said that the persons, against whom the petitioner made allegations, are not entitled for building permission. This Court cannot direct the Commissioner to act upon the representation of the petitioner and cancel the building permission already granted. With reference to the claim of petitioner that the sale transaction was not valid, it is open to him to agitate the same before appropriate forum and granting such liberty, this writ petition is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed.

Date: 31.12.2019
DA

P.NAVEEN RAO,J