

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38653 OF 2018

ORDER :

Heard learned counsel for the petitioner and the learned counsel for the respondents.

2. Petitioner claims that her husband late Mohd. Rashiduddin filed O.S.No.80 of 2012 on the file of District Judge, Karimnagar, for declaration of his 1/4th share in the property admeasuring 192 Square yards of House Bearing No.4-1-158 and also for recovery of possession of 46 Square yards situated near Vegetable market, Sadar Bazar, Office road, Karimnagar, against the unofficial respondents herein and later, it was transferred to I-Additional District Judge, Karimnagar. Petitioner further claims that when the unofficial respondents made an application for grant of building permission, her husband caused legal notice on 15.06.2012 to the Corporation not to accord permission. She further claims that during pendency of suit her husband died and she was brought on record. Thereafter, the counsel appearing on her behalf died and the court below dismissed the suit for default. Petitioner filed application for setting aside the dismissal order. She further claims that the Municipal Corporation seems to have accorded permission to the unofficial respondents for construction of building, without considering the objections raised by her husband.

3. According to the learned Standing Counsel, building permission application was made on behalf of the Kanukuntla Ramakrishna and Kanukuntla Sandhya Rani. Apparently, based on a registered sale deed executed in their favour and on consideration of the said application, building permission was granted on 03.08.2018 for house bearing H.No.4-1-157(old) 4-1-347(new) 4-1-158(new) 4-1-348(old). This building permission application is not under challenge.

4. The prayer sought in the writ petition is to declare the action of the 1st respondent in not considering the representation dated 24.08.2018. Whereas by the said date, building permission application was already processed and granted. Further, those two persons are not parties to the writ petition. In view thereof, there is no merit in the writ petition and therefore, the same is liable to be dismissed.

5. The writ petition is accordingly dismissed. It is always open to the petitioner to work out her remedies as available in law and also regarding the share in H.No.4-1-157(old) 4-1-347(new) 4-1-158(new) 4-1-348(old).

Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

August 22, 2019

KTL