

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.43178 of 2018

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1, learned Standing Counsel for respondent No.2 and Sri K.V.Subba Reddy, learned counsel for respondents 3 to 6.

2. This writ petition is filed seeking to declare the action of the 2nd respondent in issuing construction permissions vide permit No.3047/W18/2018/1363 dated 11.10.2018 in favour of the 3rd and 4th respondents and permit No.3047/W18/2018/1364 dated 11.10.2018 in favour of the 5th and 6th respondents for the land which includes the land of the petitioner admeasuring 60 ½ square yards undivided share out of land admeasuring 121 square yards in Sy.No.797, Sagar Road, Bapuji Nagar, Miryalaguda Town, Nalgonda District, as illegal and arbitrary.

3. The grievance of the petitioner is that the 2nd respondent had granted construction permission in favour of respondents 3 to 6 based on the representation made by them that they are owners of certain extents of land in Sy.No.797, situated at Sagar Road, Nalgonda District. Petitioner asserts that though the document of respondents 3 to 6 relates to Sy.No.697, they made application by manipulating it as Sy.No.797 and obtained permission from the 2nd respondent. He also asserts that respondents 3 to 6 are making

constructions pursuant to the impugned permissions granted by the 2nd respondent.

4. On the other hand, learned counsel appearing for respondents 3 to 6 submits that as on date, constructions have already been completed. He denied the allegations made in the writ affidavit and seeks time to file counter.

5. Learned Standing Counsel for the 2nd respondent also seeks time to file counter.

6. Though the learned counsel for the petitioner submits that the respondents may be directed to file counter, having regard to the respective submissions, considering the nature of relief and the assertion made by the learned counsel for respondents 3 to 6 that the constructions have already been completed, this Court is not inclined to keep the writ petition pending as it would jeopardize the interest of the petitioner rather than aiding him in any manner. Even if the allegations of the petitioner are taken as true, the alleged encroachment has already been taken place and constructions have been made by respondents 3 to 6 in the land of the petitioner. Whether respondents 3 to 6 had encroached upon the land of the petitioner or not, cannot be decided by this Court. Further, though the petitioner asserts that respondents 3 to 6 have placed the document relating to Sy.No.697 by manipulating the same as Sy.No.797 before the second respondent, no material is produced before this Court to come to a *prima facie* conclusion on the said

aspect. Even on that ground, if the writ petition is kept pending, it would not serve the purpose of the petitioner. On the other hand, the petitioner has to approach the 2nd respondent by invoking the provisions of Right to Information Act with regard to the document placed by respondents 3 to 6 for obtaining construction permissions. On ascertaining the said fact, the petitioner is at liberty to take appropriate legal steps.

7. In those circumstances, without expressing any opinion on merits of the matter, the Writ Petition is disposed of, giving liberty to the petitioner to approach the appropriate forum after obtaining the document from the 2nd respondent to redress his grievance. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

21st January, 2019

sj