

**THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY**

**WRIT PETITION No.46831 of 2018**

**ORDER:**

This writ petition is filed challenging the proceedings No.3006/13078/W51/18, dated 13.12.2018, wherein and whereby the 2<sup>nd</sup> respondent has cancelled the building construction permission, by virtue of the powers conferred under Section 450 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act').

2. Learned counsel for the petitioner submits that the 2<sup>nd</sup> respondent has granted the building permission to the petitioner after being satisfied *prima facie* title of the petitioner. He further submits that the petitioner has not started the construction work and only in the event of violation of the conditions of the building permission, the 2<sup>nd</sup> respondent has cancelled the permission. Since there is no violation, the 2<sup>nd</sup> respondent is not entitled to cancel the said permission. He further submits that the petitioner is also in possession of the subject premises for the last four decades and she was acquired the title by way of adverse possession. In support of his contention, he relied upon judgment of the Apex Court in **Ravinder Kaur Greewal and others v. Manjit Kaur and others**<sup>1</sup>.

3. On the other hand, learned Standing Counsel appearing for the 2<sup>nd</sup> respondent-Municipality, basing on the counter-affidavit, submits that since the petitioner has suppressed the material facts and when

---

<sup>1</sup> (2019) 8 SCC 729

the un-official respondent brought to the notice of the same, the 2<sup>nd</sup> respondent, after issuing notice to the petitioner, by invoking Section 450 of the Act, passed the impugned order. She further submits that the petitioner does not have prima facie title to the subject property.

4. Learned counsel appearing for the 4<sup>th</sup> respondent, while admitting the arguments of the learned Standing Counsel, submits that the 4<sup>th</sup> respondent is in possession of the subject property and the link document of the petitioner's vendor was impounded after registration of sale deed on 29.01.2006 and that the vendor of the petitioner purchased the land through an un-registered document, dated 04.08.1996. The 4<sup>th</sup> respondent relied registered sale deed vide document No.4223 of 2011, dated 28.05.2011, is much prior to the writ petitioner's sale deed vide document No.922 of 2016, dated 12.01.2016. As the material facts have been suppressed by the petitioner at the time of seeking building permission, the 2<sup>nd</sup> respondent has rightly invoked Section 450 of the Act and passed the impugned order. He further submits that the petitioner's name is incorporated in the revenue records and the documents relied on by the petitioner are without any basis.

5. From entire reading of the writ affidavit and the affidavit of the 4<sup>th</sup> respondent, there appears civil dispute between the petitioner and the 4<sup>th</sup> respondent. The 2<sup>nd</sup> respondent being satisfied that the petitioner has suppressed the material facts, as pointed by learned counsel for the 4<sup>th</sup> respondent, invoked the power under Section 450

of the Act. It is to be seen that the assertions made in the impugned order that the link document filed by the petitioner was impounded subsequent to the registration of sale deed executed in favour of the 4<sup>th</sup> respondent is not in dispute and all these facts were not brought to the notice of the 2<sup>nd</sup> respondent while granting building permission to the petitioner, as such revoked the said permission.

6. In view of the facts and circumstances of the case, this Court cannot go into the disputed questions of facts under Article 226 of the Constitution of India. Therefore, I do not find any merit in the writ petition.

7. Accordingly, the writ petition is dismissed. However, this order will not preclude the petitioner from approaching the civil Court for declaration of her rights.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

**A. RAJASHEKER REDDY, J**

18<sup>th</sup> November 2019

mar