

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.2706 of 2020

ORDER :

It is the case of the petitioner that his father is the owner and possessor of land admeasuring 2600 square yards in plot Nos 1,2 and 13 situated at Mallepally Village, Masab tank, Hyderabad having purchased the same under registered sale deed dated 04-01-1956 vide document No.49 of 1956 and since then he is in possession and enjoyment of same till his death on 27-01-1987. After his death, in order to develop the subject land, the petitioner made an application to the 2nd respondent in month of March, 2014 for issuance of 'No Objection Certificate' (N.O.C.) and filed necessary documents. But as no action has been taken, the mother of petitioner filed WP.No.24434 of 2014 and this Court disposed of said writ petition directing the 2nd respondent to consider her request and pass appropriate orders on their application. But no action has been taken by the 2nd respondent. It is also stated that the 4th respondent had created agreement of sale-cum-general power of attorney in her favour in respect of land admeasuring 737 square yards vide agreement of sale-cum-GPA document No.593 of 2007, dated 25-01-2007 and another document No.667 of 2007 in respect of land admeasuring 804 square yards. These two agreements of sale- cum-General Power of Attorney documents alleged to

have been executed by one Suraj Kiran, who is the 3rd respondent, who claims to have acquired the same from his ancestors. It is also stated that the 3rd respondent has no manner of right or title and he is no way concerned with the property and by creating above documents, respondents 3 and 4 are trying to obtain 'No Objection Certificate' from the 2nd respondent and thereby to sell the property to the third parties. Hence, the present writ petition is filed seeking a direction to official respondents not to issue any N.O.C. to the 4th respondent and his family members in respect of petitioner's land in plot Nos 1,2 and 13 situated at Mallepally Village, Masab Tank, Hyderabad.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

It is not stated by learned counsel for the petitioner under which provision of law the 4th respondent sought for issuance of N.O.C. in her favour. A reading of writ affidavit goes to show that there are disputes between the petitioner and the 4th respondent in respect of subject property. It is alleged that the 4th respondent created fabricated agreement of sale-cum-General Power of Attorney in her favour in respect of land admeasuring 737 square yards and 804 square yards respectively. As such, this Court cannot go into the disputed questions of fact regarding title of the property in this writ petition and direct the authorities not to grant N.O.C. Further the petitioner has alternative remedy for

resolution of disputes between him and the 4th respondent by way of filing civil disputes.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

11-02-2020
Nvl



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ARBITRATION APPLICATION No.97 of 2019



31.12.2019
(Msr)