

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.28109 of 2019

ORDER:

The petitioner claims to be the owner of the land to an extent of Ac.1.19 guntas in Sy.No.2 and Ac.0.17 guntas in Sy.No.8 of Ootpally Village, Shamshabad Mandal, Ranga Reddy District. However, in the revenue records, the entries of third parties are mentioned by deleting the name of the grand father of the petitioner. Having coming to know about the deletion, the petitioner preferred appeal before the Revenue Divisional Officer. The RDO remanded the matter to the Tahsildar. On remand the Tahsildar passed orders on 03.04.2017 directing restoration of the old entries by deleting the names of K. Bhaskar Rao and K. Lakshman Rao sons of Laxmi Narasaiah. Aggrieved thereby, the respondent No.5 preferred appeal before the RDO. The RDO rejected the appeal. Thereupon, a revision is preferred and the same is pending.

2. The petitioner now contends that the subject property was sold by third parties and the persons who purchased the properties are now undertaking development activity. In such an event, great prejudice would be caused to the petitioner. The petitioner claims that he filed O.S.No.1045 of 2019 on the file of the V Additional District Judge, Ranga Reddy District, against the respondent No.5 herein and his late vendees for cancellation of the registered sale deeds executed by him and the said suit is pending.

3. This writ petition is filed praying to direct the respondent No.2 – municipality not to accord building permission in respect of the above extent of land pending disposal of the revision.

4. It appears from the material on record that certain sale transactions took place by way of registered sale deeds and the petitioner filed a suit for cancellation of the registered sale deeds. It appears that no injunction is granted by the trial Court. That being so, at this stage, no direction can be given restraining the respondent – municipality from entertaining application for building permission as long as the person satisfies *prima facie* title to the property and fulfills all the requirements for obtaining permission makes an application. The relief prayed for cannot be granted, and it is left open to the petitioner to work out his remedies including prosecuting the pending suit.

The writ petition is accordingly dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

January 9, 2020
DSK

P. NAVEEN RAO, J