

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 29921 OF 2022

Between:

1. Porandla Rajesham, S/o. Ramulu, aged 50 years, Occ. Business R/o. H No. 17-6-637, Rajeevnagar, Addaguntapalli, Godavarikhani, Ramagundam Mandal, Karimangar District
2. Porandla Radha, W/o. P. Rajesham Aged 48 years, Occ. House wife R/o. H No. 17-6-637, Rajeevnagar, Addaguntapalli, Godavarikhani, Ramagundam Mandal, Karimangar District

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Prl. Secretary, Municipal Administration and CAD Department Secretariat, Hyderabad
2. Ramagundam Municipal Corporation, Rep by its Commissioner Ramagundam, Karimangar District
3. The Assistant City Planner, Town Planning Section, Ramagundam Municipal Corporation Karimangar District
4. Aluru Vijaya Bhaskar, S/o. Late Balaramakrishnaiah, aged 55 years, Occ. Business, R/o. H No. 18-2-76, Maruthinagar, Addaguntapalli, Godavarikhani, Ramagundam mandal, Karimangar District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 2 and 3 in not cancelling the construction permission vide Permit No. 3015/W27/2017/0433 dated 06.05.2017 granted in favour of the unofficial respondent no.4 by showing the petitioners property admeasuring 423.40 sq. yards in Sy No. 598/A of Sanjaygandhi nagar Colony, Addaguntapalli, Godavarikhani, Ramagundam

mandal, Karimangar District without considering the complaint dated 23.12.2021 and legal notice dated 21.04.2022 of the petitioners is illegal, arbitrary and against to the principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of Constitution of India and consequently set aside the Permit No. 3015/W27/2017/0433 dated 06.05.2017 granted in favour of the unofficial respondent no.4 granted by the respondents 2 and 3 in the interest of justice.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the construction permission vide Permit No. 3015/W27/2017/0433 dated 06.05.2017 granted in faovur of the 4th respondent by the respondents 2 and 3 forthwith, pending disposal of the main writ petition.

Counsel for the Petitioners: SRI B. S. S. PRASAD

**Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION AND
URBAN DEVELOPMENT**

**Counsel for the Respondent Nos.2 & 3: SMT. M. BHAGYASRI,
S.C. FOR RAMAGUNDAM MUNICIPALITIES**

Counsel for the Respondent No.4: --

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.29921 of 2022

ORDER:

This writ petition is filed questioning the action of the respondents in not considering the representation dated 23.12.2021 of the petitioner to cancel the construction permission vide Permit No. 3015/W27/ 2017/0433 dated 06.05.2017 granted in favor of unofficial respondent No.4 which is obtained by showing the petitioners property admeasuring 423.40sq.yards in Sy.No.598/A of Sanjaygandhi Nagar Colony Addaguntapalli, Godavarikhani, Ramagundam Mandal, Karimangar District, as illegal and arbitrary.

2. Mr.B.S.S.Prasad, learned counsel for the petitioners submits that the petitioners have given a representation to the respondents on 23.12.2021 stating that the unofficial respondent has obtained the fake sale deed in respect of subject property and trying to encroach upon the petitioners land. He submits that there is a civil suit vide O.S.No.1 of 2015 pending between the parties and in fact, the petitioners have filed an appeal against the order of the injunction granted in favor of the unofficial respondents. He submits that as the respondents have granted permission to the unofficial respondents and they have commenced the construction, as such, the respondents ought to have considered the representation of the petitioners and should have kept the permission granted to the unofficial respondent in abeyance till the civil disputes are decided by

the court below.

3. Ms. M. Bhagya Sree, learned standing counsel for respondent municipality submits that basing on a prima facie title, they have granted permission to the unofficial respondent and if the petitioners are aggrieved by the same, as civil suits are pending between the parties, they should have claimed appropriate relief before the court below. She submits that the municipality cannot decide the ownership of the parties.

4. By way of a representation, the petitioners are seeking indulgence of the respondents to cancel the building permission or to keep the same in abeyance till the civil litigation is finalized. While granting permission, the respondents can only look into the prima facie title and beyond that, they cannot make any further adjudication. In a way, the petitioners are seeking the relief from the respondents which ought to have obtained from the competent civil courts where the suits are pending between the parties. Hence, this court finds no reasons to direct the respondents to consider the representation.

5. Accordingly, this writ petition is dismissed giving liberty to the petitioners to pursue their remedies before the competent court. There shall be no order as to costs.

The miscellaneous applications, if any shall stand automatically closed.

**SD/- MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI B. S. S. PRASAD, Advocate [OPUC]
2. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SMT. M. BHAGYASRI, S.C. for Ramagundam Municipalities [OPUC]
4. Two CD Copies.
5. One Spare Copy

MP

SW



HIGH COURT

DATED:20/07/2022



ORDER

WP.No.29921 of 2022

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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REMA
23/8/2022