

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 35593 OF 2021

ORDER:

This Writ Petition is filed seeking the following relief:

“ to issue a writ, or more in the nature of a writ of mandamus or any other appropriate writ order or direction, declaring the action of the respondent No.2 in issuing the notice under Telangana Municipal Act, 2019 vide Notice Order File No. GWMC/TP/R-222926/2021 dated Nil-11-2021 and subsequently, cancelling the House permission of the petitioner's house permit No. 3006/33231/W46/2021, File No. 3006/33231/W46/2021, dated 09.07.2021 for construction of G+1 floors on Plot In Sy.No. 21/A, admeasuring 195.00 sq. yards equivalent to 163.03 sq.meters situated at Gopalpur Village, Hanamkonda Mandal, Warangal Urban District with cancellation order in File NoO. GWMC/TP/R-222926/2021, dated 17.12.2021 is illegal, arbitrary against to the principles of natural justice and consequently direct the Respondent No.2 not to take any coercive steps against petitioner's under construction house on Plot in Sy.No. 21/A admeasuring 195.00 sq. yards equivalent to 163.03 sq.meters situated at Gopalpur Village, Hanamkonda Mandal, Warangal Urban District...”

2. Sri Padala Pravin Kumar, learned counsel for the petitioner submits that initially, a show cause notice was issued to the petitioner dated Nil-11-2021 and the petitioner has submitted his explanation on 04.12.2021. It is submitted that thereafter, on 17.12.2021, the official respondents have revoked the permission that was granted in favour of the petitioner on 09.07.2021. Learned counsel submits that the petitioner by

way of a registered sale deed dated 26.10.2019 has purchased the property. He submits that the petitioner made an Application for building permission and the same was granted to him and also he started making construction. It is submitted that the unofficial respondent is claiming that he had purchased the property in the year 1982 and through the release deed dated 14.10.2021, the petitioner has become the owner of the property. According to the learned counsel, the vendor of the petitioner as well as the vendor of the unofficial respondent's mother are closely-related and further, the petitioner has also filed a suit for injunction. Learned counsel submits that at this point of time, the official respondents cannot revoke the permission and it would cause prejudice to the petitioner.

3. Ms. Pingali Lakshmi, learned Standing Counsel filed the counter-affidavit. She submits that looking at all the disputed questions of fact, the respondent Corporation has revoked the building permission granted to the petitioner.

4. Learned Counsel for the unofficial respondent Sri A. Prabhakar Rao submits that the 3rd respondent had purchased the property in the year 1982 and the very same property, the petitioner by virtue of the document of 2019 claims that he had purchased the same. He submits that rightly, the respondent

Corporation has revoked the permission granted in favour of the petitioner.

5. In respect of the very same property, both the petitioner as well as the unofficial respondent are relying on a registered sale deed. Whether the petitioner's sale deed of the year 2019 and the unofficial respondent's sale deed of the 1982 is genuine, as rightly observed by the Corporation, they cannot decide this issue. Unless and until such issue is resolved, the respondent Corporation cannot grant permission in favour of the petitioner.

6. Hence, the Writ Petition is disposed of directing that the building permission granted in favour of the petitioner shall be kept in abeyance subject to result of the Writ Petition. The petitioner shall not take up any further construction and the official respondents shall not interfere with the property of the petitioner. In case the petitioner carries out any further construction, the respondent officials shall issue notice and take appropriate action in accordance with law. There shall be no order as to costs.

7. Consequently, the miscellaneous Applications, if any shall stand closed.

LALITHA KANNEGANTI, J

02nd August 2022

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