

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.42547 of 2022

ORDER:

This writ petition is filed with the following prayer;

“to issue an appropriate writ, order or direction more particularly one in the nature of MANDAMUS directing respondent Nos.2 to 6 not to accord any construction permission to respondent Nos.7 and 8, on open land to an extent of Ac.4- 00 Gts situated in old Survey No.74/part (New No.74/9 and 10), situated at Marredpally Paigah Tehsil West Marredpally Secunderabad T S”.

2. Learned counsel for the petitioners Mr. K. Upender Reddy submits that the 1st petitioner's grandfather was the absolute owner and possessor of open land admeasuring Ac.4-00 gts in Old Sy.No.74/Part (New No.74/9 & 10) situated at Marredpally Paigah Tehsil, West Marredpally, Secunderabad and during his life time, his grandfather has filed an application vide No.335 of 1962 claiming Nuzooldar in Civil Suit No.7 of 1958 before the erstwhile High Court of Andhra Pradesh, Hyderabad, by paying an amount of Rs.2,640/- dated 06-10-1967 and a certificate of sale was issued on 27-04-1968 confirming his grandfather as owner and since then, the 1st petitioner and his family members are in continuous possession and enjoyment of the said land. He submits that in C.S.7 of 1958, the erstwhile High Court of Andhra Pradesh has appointed a receiver-commissioner, Estate Nawab Moinuddula on 19-12-1967 and he has collected the amount as per the Court's order. Learned counsel submits that the 1st petitioner's

grandfather died interstate on 01-08-1991 and later, his grandmother also died in the year 1993 and thereafter, the 1st petitioner has become the absolute owner of the property. He submits that the 1st petitioner has filed W.P.No.3588 of 2014 for mutation of his name in the revenue records and the same is pending and while so, his father, brother and sister have executed a registered GPA in his favour on 13-08-2020 and basing on that the 1st petitioner has entered into an agreement dated 10-11-2022 with the 2nd petitioner to incur financial expenses for mutation of the land in the municipal records and other Government authorities, survey and demarcation, development work. He submits that respondent Nos.7 and 8, based upon certain fake documents are carrying out the constructions in the said land and then, the petitioner gave a complaint to respondent Nos.2 to 6, basing on which, respondent No.4 has issued a letter dated 15-10-2022 to the Assistant Commissioner of Police, wherein it is clearly observed that Sri V. Vara Prasada Raju and others have unauthorizedly erected a shed without obtaining any permission from GHMC and they have inspected the site and stopped the ongoing work. He submits that in spite of the said direction, respondent Nos.7 and 8 did not stop the illegal constructions and thereafter, respondent No.4 has issued a notice dated 04-11-2022 directing respondent Nos.7 and 8 to stop further construction and produce the ownership and link documents along with sanctioned plans, but as respondent Nos.7 and 8 have failed to give explanation to the said show cause notice, respondent No.4 has pulled down the

unauthorized sheds on 15-11-2022 . Learned counsel further submits that respondent Nos.7 and 8 are pressurizing the official respondents to accord construction permission and hence, the petitioner has come up before this Court.

3. Learned Standing Counsel for respondent Nos.2 to 6 Mr. K. Ravinder Reddy submits that the land in Sy.No.74/part (New No.74/9 and 10) situated at Marredpally, Paigah Tehsil, West Marredpally, Secunderabad, belongs to the Government and in view of the same, the respondent Corporation is not giving any permission in favour of the unofficial respondent Nos.7 and 8 and if any unauthorized constructions are made, they will take appropriate action. He further submits that in this regard, a show cause notice was issued and final notice was also issued and they will take further action in accordance with law.

4. The case of the 1st petitioner is that he is the owner of the subject property and according to the respondent Corporation, the property belongs to the Government and as such, they are not granting permission and the relief sought by the petitioners not to grant any permission in favour of the unofficial respondent Nos.7 and 8 is already worked out. Hence, without expressing any opinion on the title of the property, the Writ Petition is disposed of directing the respondents to take further steps in accordance with law pursuant to the final notice issued to the unofficial respondent Nos.7 and 8 within a period of four

weeks from the date of receipt of a copy of this order. No order as to costs.

5. Miscellaneous Applications, if any pending in this writ petition, shall stand closed.

28th November, 2022

LALITHA KANNEGANTI, J

sj

