

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**(Special Original Jurisdiction)**

FRIDAY, THE THIRTIETH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY TWO

**:PRESENT:**

**THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI  
WRIT PETITION NO: 46678 OF 2022**

**Between:**

Meegada Venkata Krishna Yadav, S/o. Late Kannaiah Yadav, Aged about 51 years, Occ: Business, R/o. H.No. 15-15-225, Dwarakanagar, Khammam.

**...Petitioner**

**AND**

1. The State of Telangana, rep. By its Principal Secretary, Municipal Administration And Urban Development Department, Secretariat, Hyderabad.
2. Khammam Municipal Corporation, rep. By its Commissioner, Khammam City and District.
3. Smt. Velpula Madhavi, W/o. Velpula Lakshminarayana, Aged major, R/o. H.no. 5-7-57, Cheruvu Bazar, Khammam.

**...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No.2 in issuing the Approval for Building construction dt. 13/6/2022 bearing File no. no.005204/BP/DTCP/3018/0086/2021, permit no.0216/BP/3018/2022 in respect of the land in Sy.No. 276 admeasuring 4849 Sq. Yards equivalent to Ac. 1.00 gts., situated at Dwarakanagar, Khanapuram Haveli Revenue village, with in the limits of Khammam Municipal Corporation, Khammam City, in spite of the legal notice dt. 24/1/2019 followed by reminder written representation dt. 27/10/2021, as being illegal, arbitrary, unjust and unconstitutional and consequently set aside the Building permit order dt. 13/6/2022;

**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 Building Permit Order dt.13/6/2022 bearing File.no.005204/BP/DTCP/3018/0086/2021, permit no.0216/BP/3018/2022 issued by the 2nd respondent.

**Counsel for the Petitioner: SRI. KARUNAKAR REDDY**

**Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV**

**Counsel for the Respondent No.2: SRI P SREEDHAR RAO (Standing Counsel for Municipality)**

**The Court made the following: ORDER**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION No.46678 of 2022**

**O R D E R:**

The writ petition is filed seeking the following relief:

"... to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the action of the respondent No.2 in issuing the Approval for Building construction dt. 13.6.2022 bearing File no.005204/BP/DTCP/3018/0086/2021, permit no.0216/BP/3018/2022 in respect of the land in Sy.No.276 admeasuring 4849 Sq.Yards equivalent to Ac.1.00gts situated at Dwarakanagar, Khanapuram Haveli Revenue village within the limits of Khammam Municipal Corporation, Khammam City in spite of the legal notice dt.24.1.2019 followed by reminder written representation dt. 27.10.2021 as being illegal, arbitrary, unjust and unconstitutional and consequently set aside the Building permit order dt.13.6.2022 and ....",

2. Mr. Karunakar Reddy, learned counsel for the petitioner submits that the respondents have granted permission in favour of unofficial respondent for construction of a building. Thereafter, the petitioner has got issued a legal notice to the respondents on 24.01.2019, wherein, it is stated that the land admeasuring Ac.1.00Gts in Sy.No.276 of Khanapuram Haveli Revenue Village within the limits of Khammam Municipal Corporation, Khammam was purchased jointly by father of petitioner and one Meegada Pitchaiah through registered sale deed on 13.02.1980. It is stated that though the entire consideration is paid by the petitioner's father, in view of the blood relation, the sale deed was obtained in the name of petitioner's uncle i.e. Meegada Pitchaiah and it is stated that the said Pitchaiah has admitted the said facts on several occasions. It is stated that thereafter,

O.S.No.181 of 2001 was filed by sons of vendor of the said sale deed i.e. one Chandrakani Pedda Gattaiah and others and during the pendency of the same, they have also executed several sale deeds and based on the sham and nominal documents, the unofficial respondent has obtained the permission. In view of the same, the petitioner has made a representation to the respondents to cancel the said permission, which was not considered by them.

3. Mr. P. Sreedhar Rao, learned standing counsel for the respondent municipality submits that in the legal notice that is got issued by the petitioner, it is stated about several litigations between the parties and according to the petitioner, the said sale deed is in favour of his uncle and he also admits that there are several sham and nominal documents are executed. He submits that all these issues are beyond the jurisdiction of the municipality and they cannot consider the same.

4. When an application is filed seeking building permission, the respondents can only look into prima facie title and legal possession to the property. In the notice that is got issued by petitioner, the petitioner has stated about several disputes and even according to him, several registered documents are there which are sham and nominal. These issues, the respondents cannot consider and it is for the petitioner to approach the competent forum for the said grievance. In view of the same, this court

cannot direct the respondents to consider the case of the petitioner looking at the notice dated 24.01.2019.

5. Accordingly, the writ petition is disposed of giving liberty to the petitioner to avail the appropriate remedy under law. There shall be no order as to costs.

The Miscellaneous Applications, if any shall stand automatically closed.

//TRUE COPY//

**SD/-B.CHANDRA PRAKASH  
ASSISTANT REGISTRAR**

**SECTION OFFICER**

To,

1. The Principal Secretary, Municipal Administration And Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Khammam Municipal Corporation, Khammam City and District.
3. One CC to SRI. KARUNAKAR REDDY Advocate [OPUC]
4. One CC to SRI. P SREEDHAR RAO, Standing Counsel for Municipality, High Court for the State of Telangana, Hyderabad. [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
6. Two CD Copies

HIGH COURT

LK.J

DATED:30/12/2022

ORDER

WP.No.46678 of 2022



WRIT PETITION IS DISPOSED OF  
WITHOUT COSTS