

THE HONOURABLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION NO.20963 OF 2022

ORDER:

Heard learned counsel appearing for petitioner, learned Government Pleader for Panchayat Raj appearing for respondent Nos.1 and 3, learned Government Pleader for Revenue appearing for respondent No.2, learned Government Pleader for Home appearing for respondent Nos.4 and 5 and learned Standing counsel appearing for respondent No.6. With their consent, the present writ petition is disposed of at the stage of admission.

2. This writ petition is filed to declare the action of the respondents, more particularly, respondent Nos.2, 4, 5 and 6 in not taking any action against unofficial respondents who are trying to raise illegal constructions contrary to the provisions of the Gram Panchayat Act, the Telangana Urban Areas (Development) Act, the Telangana Agricultural Land (Conversion for Non Agricultural Purposes) Act, 2006 as illegal, arbitrary and consequently direct the respondents to consider the representations of the petitioner, dated 23.04.2019, 29.09.2021 and 11.10.2021.

3. It is the case of the petitioner that he is the absolute owner of the land in Survey No.346, now assigned as Survey No.346/2, admeasuring Ac.06-06 guntas, having purchased the same through registered sale deed vide document No.6389 of 2007 dated 11.05.2007. After purchasing the property, the petitioner also obtained pattadar pass books and title deeds under the provisions of Telangana Rights in Land and Pattadar Pass Books Act, 1971 and his name was also recorded in Dharani portal and also receiving the Raitubandu amount.

4. Sri Vijay B Paropkari, learned counsel appearing for the petitioner, vehemently argued that though the petitioner is the absolute owner of the property, respondent No.6-Grampanchayath, without considering the documents of the petitioner, has granted building permission to respondent No.7 to 19 relying on the Sadabainama submitted by them. It is his further contention that respondent Nos.7 to 19 are not having any valid documents, they have purchased the plots through Saidabainama from the unauthorized persons and with a *malafide* intention to create a dispute over the subject property, they are trying to occupy the property of the petitioner by making illegal constructions. Therefore, the petitioner has made representations

before respondent No.6 not to grant any building permission to respondent Nos.7 to 19.

5. Respondent No.6-Grampanchayath has filed a detailed counter affidavit *inter alia* stating that the buildings constructed in Survey No.436, are existing since long time and the Grampanchayath has granted building permission and property tax is assigned to respondent Nos.7 to 19 houses. Therefore, it is purely a civil dispute among the petitioner and the unofficial respondents and to resolve the civil dispute the petitioner has filed the present writ petition and seeking a relief against the respondent Nos.7 to 19, as such, the very writ petition filed by the petitioner is not maintainable and the same is liable to be dismissed.

6. At this stage, learned counsel for the petitioner has submitted that the petitioner has already approached the civil Court and instituted a suit for declaration and consequential injunction. The petitioner has made all the parties as defendants to the said suit and the said suit is pending for trial. But, during the pendency of the said suit, the respondents, with the instigation of third parties, are trying to alienate the property and meddle with their rights. Therefore, the petitioner has made representations to

the authority not to grant building permission or not to mutate the names of subsequent purchasers in the revenue records.

7. This Court, having considered the rival submissions, is of the *prima facie* view that there is a serious dispute with regard to title and possession over the subject property. The petitioner is relying upon the registered sale deed and also entries made in the pattedar pass books and title deeds issued by the Government, whereas there are existing structures constructed by respondent Nos.7 to 19 who are alleged to have valid title and the issue between the parties has already been seized before the competent Civil Court vide O.S.No.68 of 2020 on the file of the learned Junior Civil Judge, Nagarkurnool. Since the matter is involved disputed questions, this Court is not inclined to exercise the jurisdiction vested under Article 226 of Constitution of India.

8. In the said circumstances, the petitioner if so advised to take appropriate steps by filing appropriate applications restraining the defendants, or adding some more defendants, who are illegally trying to grab the property of said suit and seek appropriate relief from the competent civil Court, where the matter has been seized.

10. With the above observations, the Writ Petition is disposed of.
There shall be no order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall
stand closed.

JUSTICE C.V.BHASKAR REDDY

Date: 13-02-2023
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