

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

W.P.No.31926 of 2022

ORDER:

This writ petition is filed questioning the inaction of the third respondent herein in taking action against the fourth respondent for making illegal construction in the premises bearing H.No.10-48/5 situated at Rizwan Chaman, Bommakal village, Karimnagar Mandal and District, belonging to the petitioner, inspite of the written complaint dated 2-5-2022 and 5-7-2022 respectively as illegal, arbitrary, unjust and unconstitutional and consequently to direct the third respondent herein to demolish the illegal and unauthorized construction made by the fourth respondent and pass appropriate orders.

On 05.09.2022 this Court ordered notice before admission. Respondent Nos.1 to 3 have entered their appearance as well as the contesting fourth respondent has filed counter affidavit.

It is the case of the fourth respondent that he is the absolute owner of the subject property and he has made an application to respondent No.3/ Gram Panchayat seeking

building permission in accordance with the provisions of the Telangana Panchayat Raj Act. Respondent No.3/Gram Panchayat after considering the necessary documents and after calculating the fees as required for the sanction of the building permission, issued proceedings No. 1537/BP/2022, dated 08.06.2022 granting building permission. Respondent No.4 in compliance with the permission granted by respondent No.3 is proceeding with the construction strictly adhering to the conditions laid down in the aforesaid proceedings No. 1537/BP/2022, dated 08.06.2022.

Respondent No.3/Gram Panchayat also filed counter affidavit stating that after considering necessary documents and after calculation of the fee, it was satisfied with the *Prima facie* title and accordingly granted building permission to fourth respondent. Since the petitioner is disputing the title over the subject property, respondent No.3 passed speaking order vide Lr.No.GP/BMK/2022, dated 10.10.2022 directing the petitioner to approach competent civil Court to claim his rights, if any.

It is the contention of the petitioner, that while passing speaking order in Lr.No.GP/BMK/2022, dated 10.10.2022,

respondent No.3 decided on the merits of the matter and has given finality with regard to the building permission, as such the said proceedings are coming in the way of his rights over the subject property.

In these circumstances, this Court deems it appropriate to direct the petitioner to approach the competent Civil Court for redressal of his grievance. It is needless to mention that in case the petitioner approaches the competent Civil Court, the Civil Court shall decide the *prima facie* title over the subject property in accordance with law, un-influenced by any of the observations made by respondent No.3

With the above direction, the writ petition is disposed of.
No costs.

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

JUSTICE C.V.BHASKAR REDDY

Date: 06-02-2023
Ssm