IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 29200 OF 2024

Between:

V.Shashirekha, D/o G. Darshan W/o Srinivas Aged about 35 years Occ. Household R/o H.NO. 16-2-751/93/B/1/A/1, Sai Ram Colony, Saidabad, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, rep resented by the Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Commissioner,GHMC, Tank Bund Road, Hyderabad.
3. The Zonal Commissioner GHMC, Circle -VI , Malakpet, Hyderabad.
4. The Deputy Commissioner GHMC, Circle -VI , Malakpet, Hyderabad.
5. The Town Planning Officer GHMC, Circle -VI , Malakpet, Hyderabad.
6. A.Aruna, W/o.A.Anand Reddy Occ. House wife, No.16-2-752/K/111, Sai Ram Colony, Saidabad, Hyderabad.
7. A.Anand Reddy, S/o Gopal Reddy, Aged about 73 years, Occ. Business, No.16-2-752/K/111, Sai Ram Colony, Saidabad, Hyderabad.

...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 writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not taking action pursuant to the representation of the petitioner dated 08-10-2024 as illegal, arbitrary, unjust, unreasonable, contrary to law and unconstitutional and consequently direct the respondents to take action pursuant to the representation of the petitioner dated 08-10-2024 immediately in the interest of justice.

IA NO: 1 OF 2024

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 direct the respondents to take action pursuant to the representation of the petitioner dated 08-10-2024 immediatly in the interest of justice pending disposal of the above writ petition.

Counsel for the Petitioner : SRI D.RAMAKRISHNA

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

Counsel for Respondent No.2to5:SRI RAPARATHI VENKATESH,SC FOR GHMC

Counsel for Respondent No.6&7 : SRI K.PRADEEP REDDY

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.29200 of 2024

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing on behalf of respondent No.1, Sri Raparthi Venkatesh, learned Standing Counsel appearing on behalf of respondent Nos.2 to 5 and Sri K.Pradeep Reddy, learned Counsel appearing on behalf of respondent Nos.6 and 7, and perused the record. With the consent of learned counsel appearing for the parties, the Writ Petition is taken up for hearing and disposal at admission stage.

2. Shorn of unnecessary details, the case of the petitioner in brief is that the unofficial respondents have made construction of building without obtaining valid permission from the respondent authorities and also encroaching into land of petitioner in Sy.No.51 claiming the same forming part of land in Sy.Nos.48, 50, 54 to 60 situated at Sai Ram Colony, SBH Colony, Saidabad, Hyderabad, and in spite of she approaching the respondent authorities and submitting representation dated 08-10-2024 seeking for initiating

action, no action is taken against the aforesaid unauthorized and illegal construction being made, which action it is contended as illegal, arbitrary and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955.

3. *Per contra*, learned Standing Counsel appearing on behalf of respondent Nos.2 to 5 submits that the unofficial respondents have obtained building permission for undertaking the construction and as such, the said construction cannot be held as unauthorized and illegal construction for the authorities to take action thereagainst.

4. Learned Standing Counsel further submits that in order to grant building permission, the authorities are only required to see *prima facie* title and legal possession and are not entitled to adjudicate any rival claims with regard to title of the subject property or with regard to boundaries.

5. Learned Standing Counsel further submits that since the petitioner has claimed to have initiated civil proceedings in respect of the subject land against the unofficial respondents alleging to have encroached into her land in Sy.No.51 claiming the same as part of land in Sy.Nos.48, 50, 54 to 60, the petitioner has to await

the result of the civil proceedings initiated, and for the said reason, the Writ Petition as filed is premature.

6. I have taken note of respective contentions urged.

7. It is settled position of law that Municipal Authorities while granting building permission cannot adjudicate title disputes, are only required to consider *prima facie* title and legal possession It is also settled position of law that mere grant of building permission does not confer or conform title to the subject land being claimed under building permission.

8. Since, the petitioner alleges that the unofficial respondents by claiming to have obtained building permission from the respondent authorities, are encroaching into her land in Sy.No.51 and making constructions thereon, the said dispute is one of identification and localization of the land of the petitioner in Sy.No.51 while that of the unofficial respondents in Sy.Nos.48, 50, 54 to 60, which can only be resolved by the competent Civil Court by getting a survey conducted through concerned Survey Authorities. In absence of petitioner not undertaking such course of action, it is not open for the petitioner to allege inaction on the part of respondent authorities in cancelling the building permission or

LRS granted in favour of the unofficial respondents nor can such a direction can be given to the authorities in Writ jurisdiction pending adjudication of civil disputes.

9. However, upon petitioner being declared successful in civil proceedings initiated by her before the competent Court of Civil jurisdiction, it is open for the petitioner to approach the respondent authorities to initiate action against the construction being made or made by the unofficial respondents.

10. Subject to above observation, the Writ Petition is disposed of. No costs.

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

SD/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

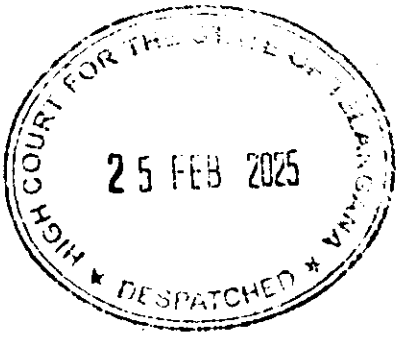
1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, GHMC, Tank Bund Road, Hyderabad.
3. The Zonal Commissioner GHMC, Circle -VI , Malakpet, Hyderabad.
4. The Deputy Commissioner GHMC, Circle -VI , Malakpet, Hyderabad.
5. The Town Planning Officer GHMC, Circle -VI , Malakpet, Hyderabad.
6. One CC to SRI D.RAMAKRISHNA, Advocate. [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
8. One CC to SRI RAPARATHI VENKATESH, SC FOR GHMC. [OPUC]
9. One CC to SRI K.PRADEEP REDDY, ADVOCATE. [OPUC]
10. Two CD Copies.

BSK

GJP

HIGH COURT

DATED:02/12/2024



ORDER

WP.No.29200 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(13)
14/02/25