

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

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 26957 OF 2024

Between:

Rapalli Anjaiah, S/o. Rajesham, Age. 53 Years, Occ. Singareni Employee, R/o. H. No. 7-3-38, 9th Ward, Janagama Village, Ramagundam Mandal, Peddapalli District.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, Hyderabad.
2. The Mancherla Municipality, represented by its Commissioner, Mancherla Proper and District.
3. Nalla Madhu, S/o. Nalla Venkata Narayana, Age. 48 Years, Occ. Business, R/o. H. No. 5-616, Market Road, Venkateshwara Shopping Mall, Mancherla Proper and District.
4. Nalla Ravindor, S/o. Nalla Venkata Narayana, Age. 47 Years, Occ. Business, R/o. H. No. 5-616, Market Road, Venkateshwara Shopping Mall, Mancherla Proper and District.
5. Nalla Surender, S/o. Nalla Venka Narayana, Age. 45 Years, Occ. Business, R/o. H. No. 5-616, Market Road, Venkateshwara Shopping Mall, Mancherla Proper and District.
6. Nalla Rajender, S/o. Nalla Venkata Narayana, Age. 41 Years, Occ. Business, R/o. H. No. MIG-2, 712, KPHB Colony, 3rd Phase, Opposite Bhuvana Vijayam Ground, Kukatpally, Medchal Malkajgiri District.

...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 order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No. 2 in passing the orders with the nomenclature of intimation in Lr. No. G1/2300/2024, dated 12/09/2024, rejecting to cancel the permission granted in

favour of the respondent No s. 3 to 6 with permit No. 0022/BP/3026/2024, for construction of Stilt Plus 4 Upper Floors in plot of land 463.00 Sq. Yds, in Sy. No. 306, with premises No. 1-524/5, situated at Mancherla Shivar, even though the respondent No s. 3 to 6 have obtained the said permission by suppressing the facts obtained the said permission, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently set aside the said intimation dated 12/09/2024, thereby direct the respondent No. 2 to cancel the permission granted in favour of the respondent No s. 3 to 6 vide permit No. 0022/BP/3026/2024, dated 09/09/2024.

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 suspend the permission granted in favour of the respondent No s. 3 to 6 vide permit No. 0022/BP/3026/2024, dated 09/09/2024, thereby direct the respondent No. 2 to see that, the respondent No s. 3 to 6 shall not proceed with any construction in pursuance of the said permission.

Counsel for the Petitioner : SRI K.VENUMADHAV

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

**Counsel for the Respondent No.2 : SRI K.RAMCHANDRA REDDY, rep.,
SRI B.JAGAN MADHAV RAO,
SC FOR MUNICIPALITY**

Counsel for the Respondent No.3to6 : --

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.26957 of 2024

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, Sri K.Ram Chandra Reddy, learned counsel representing Sri B.Jagan Madhav Rao, learned Standing Counsel appearing for respondent No.2, and with the consent of the learned counsel appearing for the parties, the Writ Petition is taken up for hearing and disposal at admission stage.

2. Having regard to the manner of disposal and the *lis* involved in this Writ Petition, this Court is of the view that notice to unofficial respondents No.3 to 6 is not necessary for adjudication of the present Writ Petition.

3. Shorn of unnecessary details, the case of the petitioner, in brief, is that the 2nd respondent-authority had issued the impugned proceeding, dt.12.09.2024, termed as 'Intimation', rejecting the representations submitted by the petitioner, dt.11.09.2024 and dt.16.06.2023, seeking for cancellation of the

building permission, dt.09.09.2021, granted in favour of the unofficial respondents, without considering the said representations, whereby the petitioner had claimed pendency of civil dispute in respect of the subject property as the basis for his claim.

4. *Per contra*, learned Standing Counsel appearing on behalf of the 2nd respondent submits that the 2nd respondent-authority while passing the aforesaid order had taken note of the claim of the petitioner of pendency of the civil disputes. However, having regard to the settled position of law as laid down by this Court in **K.Pavan Raj v. Municipal Corporation of Hyderabad**¹ and **Mir Sayeed Khan Asad Khan v. State of Telangana**² that mere pendency of civil proceedings is not a bar for considering the application made for grant of building permission, and respondents have granted building permission in favour of the unofficial respondents.

5. Learned Standing Counsel further submits that in the aforesaid civil proceedings, inasmuch as there are no orders

¹ 2008(3) AID 792

² MANU/TL/0208/2021

restraining the authorities from granting building permission, the authorities by considering the *prima facie* title and legal possession of the unofficial respondents, have granted building permission.

6. I have taken note of the respective submissions made.

7. Mere pendency of civil proceedings is not a bar for the authorities to consider the application made for grant of building permission is the settled legal position as held by this Court in **K.Pavan Raj's case** (1 supra) **Mir Sayeed Khan Asad Khan's case** (2 supra).

8. Further, it is also to be noted that mere grant of building permission does not confer or confirm title in respect of the property in favour of the person, to whom such permission has been granted.[See **Hyderabad Potteries Private Limited v/s. Collector, Hyderabad**² and **K.Pavan Raj's case**(1 supra)].

9. Since, the petitioner claims that the subject property is the subject matter of appeal suit *vide* AS.No.60 of 2018 pending on the file of the III Additional District Judge, Asifabad, the

² MANU/AP/0361/2001=2001(3) ALD 600

parties would have to abide by the result of the said suit as the doctrine of *lis pendence* would govern any permission that has been obtained by the unofficial respondents.

10. In view of the above, this Court is of the view that on account of pendency of civil proceeding, the authorities are not precluded from granting building permission and thus, the petitioner is not entitled for grant of any relief in the present Writ Petition.

11. Accordingly, the Writ Petition is dismissed. No order as to costs.

12. However, it is open for the petitioner to work out the remedies open to him in law.

13. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

SD/- K. SREE RAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI K.VENUMADHAV, Advocate. [OPUC]
2. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
3. One CC to SRI B.JAGAN MADHAV RAO, SC FOR MUNICIPALITY/MC. [OPUC]
4. Two CD Copies.

BSK
LS

HIGH COURT

DATED:30/09/2024



ORDER

WP.No.26957 of 2024

DISMISSING THE WRIT PETITION
WITHOUT COSTS

700 pgs
12
17/10/24