
(2006) 08 AP CK 0062

In the Andhra Pradesh High Court

Case No : Writ Petition No. 4953 of 2006

Shankarlal Pallod and Others

APPELLANT

Vs

Zaheerabad Municipality

RESPONDENT

Date of Decision : 08-08-2006

Acts Referred:

Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 — Section 9
Constitution of India, 1950 — Article 226

Citation : (2006) 6 ALT 75

Hon'ble Judges : P.S. Narayana, J

Bench : Single Bench

**Advocate : Ramakrishna Reddy for B. Mahender Reddy, for the Appellant;
Poliseti Radha Krishna, S.C., for the Respondent**

Final Decision : Allowed

Judgement

P.S. Narayana, J.—Rule Nisi was issued on 14-3-2006.

2. Sri Poliseti Radhakrishna, the Standing Counsel representing the respondent - Zaheerabad Municipality had taken notice and requested time to file counter affidavit. The counter affidavit is filed by the respondent.

3. Elaborate submissions were made by both the Counsel and both the Counsel made a request to dispose of the main Writ Petition itself. Hence, the Writ Petition is accordingly being disposed of.

4. Contentions of Sri Ramakrishna Reddy: Sri Ramakrishna Reddy, the learned senior Counsel representing the writ petitioners had taken this Court through the impugned proceedings and also several factual details which ultimately led to the filing of the Writ Petition and would maintain that in the light of the counter affidavit filed by the Municipality in question in L.G. Case No. 66/91 it would not lie in the mouth of the said Municipality to contend otherwise relating to title to the property. The learned senior Counsel also pointed out to the relevant portions of the counter affidavit and had narrated certain litigations concerning with the

property in question and ultimately he had drawn the attention of this Court to an Order passed by Division Bench of this Court which had attained finality in W.A. No. 674/2004 and batch. The learned senior Counsel would contend that on the strength of the mere observations made by the Division Bench that it is open to the Municipality to avail such remedies relating to questions of title, taking advantage of the same, the impugned Order cannot be made and permission to carry out construction cannot be refused. At any rate, the learned senior Counsel would contend that if necessary, appropriate, suitable, incidental directions may be issued in this regard but however the respondent - Municipality is not entitled to refuse the permission to carry out construction in the facts and circumstances of the case.

5. Contentions of Sri Poliseti Radhakrishna: per contra, Sri Poliseti Radhakrishna had taken this Court through the impugned proceedings and would comment that in the light of the specific observations made by the Division Bench, unless and until the question of title is finally decided, no permission can be granted to the petitioners to further proceed with any construction whatsoever. The learned Counsel also had taken this Court through the respective portions of the counter affidavit and also the other litigations in relation thereto and would maintain that inasmuch as there is a title dispute between the parties, declining to consider permission for construction of building cannot be said to be bad in law.

6. Heard the Counsel on record and perused the respective pleadings of the parties and also the material placed on record.

Pleadings of the respective parties in brief:

7. The petitioners-Shankarlal Pallod and others filed the present Writ Petition praying for an appropriate writ, order or direction in the nature of Mandamus declaring the impugned action and proceedings No. G1/876/2002 dt. 3-3-2006 and G1/590/2005 dated 14-2-2006 of the respondent as arbitrary, illegal, without jurisdiction, void and the same may be set aside, and also a direction may be issued to the respondent not to interfere in carrying out the construction by the petitioners 1 to 3 in schedule land in survey No. 146 of Zaheerabad, Medak District, pursuant to the permission granted on 15-2-1995 and also grant building permission to the petitioners 4 and 5 as required under Law. It was pleaded in the affidavit filed in support of the Writ Petition that petitioners 1 to 4 are the sons and petitioner No. 5 is the grandson of late Goverdhanlal Pallod, who had purchased the land in survey Nos.145 Ac.3.12 and 146 Ac.14.34, Zaheerabad village, under registered sale deeds in the year 1352 Fasli i.e., 1942 from the original owner Mohd.Khan, son of Himat Khan. Since then, petitioners and their family members, in succession to late Govardhanlal Pallod, have been in possession and enjoyment of the property with ownership rights. The land in survey No. 145 Ac.3.12 was alienated in favour of third parties. The petitioners and their family are in possession and occupation of the land in Sy.No. 146 Ac.14.34 even till today. Now the said land is referred herein as "schedule land".

It was further pleaded that the petitioners had constructed Oil Mill, Cement concrete Platform, Cinema theatre, Shops and other temporary sheds in the schedule land, for which respondent has granted permissions from time to time. The respondent -Municipality has assigned door Nos. 3-3-97 , 3-3-98 new Nos. 2-1-1 , 2-1-2 etc. The petitioners and their family members have filed Land Ceiling Declarations being CC Nos. 2687 , 2688 and 2690. After due verification, the competent authority computed the aforesaid schedule land to the respective holdings of the petitioners and their family members. It was also further stated that, by mistake, the revenue authorities, at one point of time, have mentioned as "Katha Local Fund" in the revenue records against the ownership column of schedule land. The petitioners herein have filed an appeal before the Tahsildar, Zaheerabad, for rectification of the said mistake and for deleting the entry of "Katha Local Fund" against the schedule land. During the course of enquiry, the respondent Municipality filed a Memo No. Ex. A-1 -23/70, dated 21-5-70 stating that the land in survey No. 145 and 146 stands in the name of Govardhanalal Pallod in the municipal records. Further, the respondent Municipality did not object for rectification of the entry. Accordingly, the Tahsildar allowed the appeal on 3-4-81 vide Proc.No. Ex.A-8-9882/80 and consequently the names of the petitioners were restored in the revenue records by deleting the entry "Katha Local Fund". Further it was stated that one V. Prabhakar Goud, resident of Zaheerabad filed Land Grabbing Case No. 66/91 on the file of Special Court, constituted under A.P. Land Grabbing (Prohibition) Act seeking direction for recovery of schedule land in favour of respondent Municipality. The petitioners herein, respondent Municipality and Commissioner & Director of Municipal Administration, Government of Andhra Pradesh, were impleaded as respondents. In the said case, respondent Municipality and Commissioner and Director of Municipal Administration filed counter affidavits wherein it was stated that respondent Municipality has granted permissions to the petitioners from time to time and further as per the municipal records, the schedule land stood in the name of the petitioners and their family members. It was further stated that the entire record of Municipality does not show or indicate that any acquisition proceedings were initiated and compensation was paid in respect of schedule land. They have further admitted in the counter that the petitioners and their family members are owners and in possession of the schedule land and hence it cannot be claimed that the said land belongs to the Municipality. Having regard to the aforesaid circumstances, V. Prabhakar Goud, applicant in L.G. Case, has not pursued the case and accordingly Land Grabbing Case No. 66/91 was dismissed for default vide order dated 5-8-93. It is also further stated that after dismissal of L.G. Case No. 66/91 one V. Srinivas Goud, brother of V. Prabhakar Goud filed a Revision Petition No. J/6339/95, as PIL, before the Collector, Medak District, u/s 9 of the A.P. Rights in Land and Pattadar Passbooks Act, against the orders of the Tahsildar dated 3-4-81, after lapse of 14 years, wherein the entry was corrected, restoring the names of the petitioners and their family members. By the relevant time, the Municipality has granted building permissions to the petitioners 1- 3 now the subject matter of the impugned proceedings dated

3-3-2006. Pursuant to the said building permissions, petitioners 1-3 started construction and the same was stayed by the Joint Collector on 20-6-95. It is submitted that aggrieved by the order dated 3-4-81 of the Tahsildar, the respondent Municipality has also filed a revision petition u/s 9 of the A.P. Rights in Land and Pattadar Passbooks Act before the Joint Collector. Both the revisions were allowed by the Joint Collector on 7-4-2000. It was also stated that aggrieved by the orders of the Joint Collector, the petitioners 1-3 filed W.P.Nos.16089/2000 and 16090/2000. In addition, respondent No. 4 Purushotham Pallod has filed another W.P.No. 11581/2002 in rejecting his application for building permission in the schedule land. All the three Writ Petitions were dismissed by the common order dated 17-2-2003. Consequent to the dismissal of Writ Petitions, the respondent was interfering with the possession and enjoyment of the schedule land by the petitioners. Aggrieved by the said action, the petitioner No. 4 filed a Writ Petition No. 21800/2003 and the same was allowed with a direction to the respondent not to interfere with the possession and enjoyment of the schedule land. It is also further stated that aggrieved by the common Judgment in W.P. Nos.16089,16090/2000 and 11581 /2002, petitioners filed three Writ Appeals No. 674,676 and 678 of 2004. Further, aggrieved by the Judgment in W.P.No. 21800/2003, respondent filed Writ Appeal No. 706/2004. All the said Writ Appeals were heard together and disposed by common Judgment on 13-4-2005. The Hon"ble Division Bench recorded finding with a direction as under:

We leave it open to the Municipality to avail such remedies as may be available to it in law, in case it still chooses to dispute the very title of the writ petitioners in respect of the lands in question, in which event, the matter shall be decided on its own merits. Suffice it to hold that the Municipality on its own cannot be permitted to interfere or meddle with the possession and enjoyment of the writ petitioners over the lands in question in whatsoever manner.

In view of the above, Writ Appeal Nos.674, 676, 678/2004 filed by the petitioners were allowed and Writ Appeal No. 706/2004 filed by respondent was dismissed. The said Judgment of the Hon"ble Division Bench attained finality. It is also stated that in view of the allowing of the Writ Appeals, petitioners 1 to 3 addressed a representation dated 8-10-2005 to respondent-Municipality intimating that they are resuming the construction work and pursuant to the said petition respondent issued impugned proceedings dated 3-3-2006 wherein it was admitted about granting of permissions and direction issued by the Hon"ble Court and it was also further stated that Municipality is filing a title suit in respect of the schedule land and therefore they are not inclined to permit to carry out any construction, pursuant to the building permission granted in the year 1995. It is also further stated that respondent sic. petitioner No. 4 also filed an application for building permission on 11-7-2005 in relation to the schedule land and in response, respondent issued impugned proceedings dated 14-2-2006 stating that they had obtained opinion of the learned Advocate General and accordingly they are launching prosecution in the Civil Court, a title suit, and

they are not inclined to grant permission, in spite of the fact that the application is in order. Further the respondent is not entertaining any application from the petitioners for building permission on the same ground. In such circumstances, questioning the impugned proceedings, the Writ Petition is filed.

8. Counter affidavit is filed by the Zaheerabad Municipality-respondent wherein it was pleaded in paras 3 to 14 as hereunder:

It was pleaded in para 3 that it is true that this office had issued notice dated 14-2-2006 in reply to the application of Sri Purushottam Pallod informing the petitioners that the application for construction of shops over Sy.Nos. 145 and 146 of Zahirabad town cannot be considered as there is title dispute between the petitioners and this respondent Municipality. Further, the learned Advocate General of A.P., Hyderabad had opined to file regular suit for declaration of title of the above lands and filing of the civil suit is in process. Hence, the notice issued by this respondent is not arbitrary or illegal. It was also pleaded in para 4 of the counter affidavit that it is not disputed the relations between the petitioners but the alleged sale deed in favour of the petitioners' family by one Mohd. Khan is an illegal and sham transaction as said Mohd. Khan had no title to sell the land in Sy.Nos. 145 and 146 of Zahirabad town. It was pleaded that the Sy.Nos. 145 and 146 of are Khata Local Fund (Municipal lands). The said land was acquired prior to 1950 by the then Jagir Administration and after formation of the Municipality in the year 1965 the said lands were vested with Municipality, Zaheerabad. According to 1950 revenue records it is clearly mentioned therein that the then Special Officer, has acquired the said land and took possession. And thereafter the Jagir Administration gave the above lands in favour of "Khata Local Fund" for extension of Zahirabad. The Khasra Pahani for the year 1954-55 clearly discloses the schedule land as belonging to "Khata Local Fund". The said entire revenue records are within the knowledge of one and all including the petitioners herein and they never challenged the above said entries before any competent authority. It was also further pleaded in para 5 that the contents of para 4 of the affidavit are false and that no permission was accorded by the Municipality for granting any permission of Oil Mill, Cinema Theatres, shops etc. It was also pleaded that even otherwise if any permission is obtained by the petitioner, that was by misrepresenting the respondent which will not create any right over the property. It was further pleaded in para 6 of the counter affidavit that it is incorrect to allege that by mistake the revenue authorities at one point of time have mentioned as "Khata Local Funds" in the revenue records against the ownership column of schedule land. There is no mistake as alleged by the petitioners. As stated above, the above lands are Municipal "Khata Local Fund". As such in revenue records it was rightly shown as "Khata Local Fund" land. It was further pleaded that the then Tahasildar Zaheerabad had passed order on 3-4-81 effecting the names of petitioners in revenue records by deleting the name of Khata Local Funds, the said orders were behind back of the respondent. It is also a part of Government and without imp leading the Government as party and without taking permission from the Government or the District Collector, the

Tahasildar has no right to pass order directing for removal the name of "Khata Local Fund" and insert the name of the petitioners. When the Municipal Commissioner came to know about the change in the revenue records, the then Commissioner preferred an appeal before the Joint Collector, Medak at Sangareddy who has passed detailed order after hearing both sides, holding that the mutation is effected in revenue records without any rights and directed the petitioners to settle their rights in Civil Court. In para 7 of the counter affidavit it was pleaded that though land grabbing Case No. 66/91 was filed by one V. Prabhakar Goud, which was dismissed on 5-8-93 but it is not correct to say that this respondent stated in the counter that the Municipality has granted permission to the petitioner for construction over the schedule land from time to time. In para 8 of the counter affidavit it was pleaded that it is true to the extent that this respondent filed revision petition before the Joint Collector against the order of the Tahsildar dated 3-4-81 and the same was allowed on 7-4-2002 but it is incorrect to allege that the Municipality has granted the building permission on schedule land. Even if the permission was obtained by the petitioner which was only by misrepresenting the facts to the Municipality hence the same is not binding on this respondent and the said illegal permission was rightly stayed by Joint Collector on 20-6-95. The filing of the Writ Petitions and the common order passed, these aspects were admitted. In para 10 of the counter affidavit it was stated that it is true to the extent that the Writ Appeals were filed by the petitioners and also W.A.No. 706/2004 was filed by this respondent and all the Writ Appeals clubbed together and disposed of by a common Judgment dated 13-4-2005. It was also pleaded in para 11 of the counter affidavit that it is true that the petitioners addressed a representation dated 8-10-2005 to the respondent intimating the resumption of construction work and for which the respondent intimated to the petitioners through letter dated 3-3-2006 informing that the petitioners cannot carry out the construction basing on the permission granted in the year 1995, since it was lapsed as it is more than one year from the date of grant. In para 12 of the counter affidavit it was pleaded that the respondent sic. petitioner filed an application for building permission and the same was rejected by the respondent through the notice of the respondent dated 14-2-2006 as there is title dispute over the schedule land and further the respondent is filing a comprehensive civil suit for declaration of title before the competent Court for the schedule land. In para 13 of the counter affidavit, it was pleaded that the action of this respondent for not allowing the building construction permission to the petitioners to the schedule property does not amount to disobeying the direction of the Hon''ble Division Bench. It was further pleaded in para 14 of the counter affidavit that, as already submitted earlier, the schedule land belongs to Zaheerabad Municipality and there is title dispute of the land between the petitioners and respondent as such petitioners are not entitled for the relief claimed in the present Writ Petition against this respondent and this Court categorically held in catena of Judgments that if there is any title dispute between the parties, the permission for construction of building cannot be considered.

These are the respectively pleadings of the parties.

9. The impugned proceedings:

The impugned proceedings in the Writ Petition dated 3-3-2006 and 14-2-2006 are as hereunder:

03-03-2006:

This is to inform that following building permissions were granted for carrying out construction in Sy.No. 145 of Zaheerabad village.

1. 89/A5/5100/95, dt. 15-2-05 in H.NO . 3-3-97/1/D belonging to Shankarlal Pallod.
2. 91/A5/5102/95 dt. 15-2-05- in H.NO.3-3-97/1/C belonging to Brijgopal Pallod.
3. 90/A5/5101/95 dt. 15-02-05- in H.NO.3-3-97/1/B belonging to Rajgopal Pallod.

The Zaheerabad Municipality and one V. Prabhakar Goud filed Revision Petitions u/s 9 of A. P. Rights in Land and Pattadar Passbooks Act questioning your mutation proceedings passed by Tahsildar in respect of Survey numbers 145 and 146 of Zaheerabad (v). In the said revision petitions the above permissions were stayed by the Joint Collector. The Joint Collector allowed the revision petitions on 7-4-2000 setting aside the orders of the Tahasildar. Writ Petition Nos. 16089/2000 and 11581/2002 were filed by you questioning the revision petitions as well as for carrying out construction.

As you did not get any orders in the Writ Petitions, you have filed Writ Appeal Nos. 674/2000 and batch. In the said Judgment the Division Bench has observed that the Zaheerabad Municipality can avail remedies in available law for adjudication of the title. It was further stated that Municipality on its own cannot be permitted to interfere or meddle with the possession and enjoyment of the Writ Petitioners over the lands in question in whatsoever manner.

Pursuant to the Judgment of the Division Bench, legal opinion was sought wherein it was opined that the Municipality can file a suit seeking declaration of the title and ownership of the lands. On the basis of said legal opinion, there are orders from the higher authorities to file a suit.

As per the provisions of A.P. Municipal Act, 1965, it is to inform that in this stage you are not permitted to carry out construction pursuant to the above said building permissions granted in the year 1995.

14-2-2006:

In pursuance of your application vide reference cited, it is to inform you that you have applied for building permission for construction of shops. Your application is examined, same is in order but the title of property is in dispute for this we have obtained legal opinion from the Advocate General, Hon"ble High Court of A.P.,

Hyderabad. After careful examination, the Advocate General, High Court of A.P., Hyderabad has given opinion to launch the prosecution in Hon"ble Civil Court. Further it is to inform that we have got orders from higher authorities to file the suit for declaration of the title in respect of land in Survey Nos. 145 and 146 against you.

In view of the above facts explained above the Municipality cannot consider your application for granting of building permission.

10. Views of this Court: The relief prayed for by the petitioners in the Writ Petition, the respective pleadings of the parties and the impugned proceedings already had been referred to supra and the same need not be repeated again. At the outset, it may be stated that in the counter affidavit on behalf of respondent No. 8- Municipal Commissioner, Zaheerabad, in L.G. C.No. 66/91 it was pleaded at para 5 as hereunder:

That the Municipality received an application from Polier organization, a partnership firm consisting of respondents 1 to 6, for permission of sanction for construction as per rules of the Municipality. However, it is denied that there is any connivance between the said organization and Chairman of the Municipality. It is seen from the record that the lands stood in the name of the Municipality in revenue records. But respondents 1 to 6 had possession and ownership over the same and that is the reason why the permission was accorded for construction as per rules. The entire records of the Municipality do not show and indicate that any compensation was paid, acquisition proceedings were initiated. Hence, it cannot be claimed that the said lands belong to this Municipality.

In the counter affidavit filed on behalf of respondent No. 9 - Commissioner and Director of Municipal Administration, A.P., Hyderabad in L.G. C.No. 66/91, in reply to para 5 it was pleaded as hereunder:

That as per the information received from the Municipal Commissioner, Zaheerabad, that as seen from the records of the Municipality on the application of Pallod association which is a partnership firm consisting of Respondent No. 1 to 6, permission was accorded to the said firm for the construction as applied for as per rules by the Municipality. This department is not aware of any connivance between Pallod Association and Respondent No. 7 the then Chairman of Zaheerabad Municipality. But as seen from the Municipal Records, the lands stood in the name of Respondent No. 1 to 6.

11. The relevant portion of the order made by the Division Bench dated 13-4-2005 in W. A.No. 674/2005 and batch, wherein the order of the Joint Collector was impugned, reads as hereunder:

The order passed by the Joint Collector conveniently does not refer to the factum of continuous possession of the Writ Petitioners and their predecessors in title over the lands in question. The order does not take into consideration the affidavits filed on oath by the Zaheerabad Municipality as well as the

Commissioner and Director of Municipal Administration in the Special Court conceding the ownership of the Writ Petitioners and their being in continuous uninterrupted (possession), their declarations submitted under the Land Reforms Act, 1973, and the same was computed into their holdings. Even in the order passed by the Joint Collector, it is not explained as to how the entry "Khata Local Fund" was made in the Record of Rights against the lands in question. The basis for such an entry is neither pleaded nor established. The Joint Collector, Zaheerabad conveniently ignored the counter affidavits filed by the very Municipality and the Director of Municipal Administration in the Special Court admitting the title, possession and enjoyment of the lands in question by Goverdhanlal Pallod and after his demise by the Writ Petitioners. It was also clearly stated that the Records maintained by the Municipality do not show and indicate that any compensation was paid to the owners and the possession of the lands was taken over under the acquisition proceedings. The writ petitioners and their predecessors were never divested of their possession of the lands at any point of time and in whatsoever manner. The order of the Joint Collector is conspicuously silent on this crucial and vital aspect of the matter.

For the aforesaid reasons, we find it very difficult to sustain the order passed by the Joint Collector setting aside the order passed by the Tahsildar which does not suffer from any infirmity, irregularity or illegality as contended before us.

The writ petitioners are entitled to maintain their possession and the Municipality cannot be allowed to take law into its own hands to dispossess the writ petitioners from the possession of the lands in question. The Municipality cannot be permitted to interfere with possession of the lands in question without reference to any law or legal authority.

Before parting with the case, we may hasten to clarify that the observations made in this order shall have no bearing on the questions of title over the lands in question. Intricate questions of title to the immovable properties can only be decided in a properly constituted proceeding before the competent Court of Civil jurisdiction. The summary proceedings under Article 226 of the Constitution of India are totally ill-suited for the purpose of resolution of title disputed. Ordinarily, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot undertake to resolve the disputed questions as to the title of any immovable property. Public law remedies are not available for resolution of such disputes.

In such view of the matter, we leave it open to the Municipality to avail such remedies as may be available to it in law, in case it still chooses to dispute the very title of the writ petitioners in respect of the lands in question, in which event, the matter shall be decided on its own merits. Suffice it to hold that the Municipality on its own cannot be permitted to interfere or meddle with the possession and enjoyment of the writ petitioners over the lands in question in whatsoever manner.

For the aforesaid reasons, the order, dated 7-4-2000, passed by the Joint Collector, Zaheerabad Taluk is set aside and the order, dated 3-4-81, passed by the Tahsildar, Zaheerabad Taluk is restored which shall continue to be in operation.

In the result, W.A. Nos. 674 , 676 and 678 of 2004 preferred by the writ petitioners are allowed and W.A.No. 706 of 2004 preferred by the Zaheerabad Municipality is dismissed. The parties shall bear their own costs.

12. The representations made are all formal in nature requesting permission to proceed with construction and hence, the contents thereof need not be referred to.

13. The question for consideration is in the facts and circumstances of the case, whether the impugned orders declining permission to the petitioners to proceed with the further constructions can be said to be in accordance with law.

14. The impugned orders already had been referred to supra and the contents thereof are self-explanatory. The respective stands taken by both the Municipal Commissioner, Zaheerabad as R-8 and the Commissioner and Director of Municipal Administration, A.P., Hyderabad as R-9 in LG. C.No. 66/91 also in a way would support the stand which is being taken by the writ petitioners. The Division Bench while making elaborate order in the batch of Writ Appeals referred to supra, had narrated all the facts and ultimately clearly came to the conclusion that the writ petitioners are entitled to maintain their possession and the Municipality cannot be allowed to take law into its own hands to dispossess the writ petitioners from the possession of the lands in question and the Municipality cannot be permitted to interfere with possession of the lands in question without reference to any law or legal authority. However, the learned Division Bench also observed that intricate questions of title to the immovable properties can only be decided in a properly constituted proceeding before the competent Court of civil jurisdiction. Now the respondent Municipality is taking advantage of the said observation made by the Division Bench and contends that in view of the same, inasmuch as there is some controversy relating to title, the petitioners cannot be permitted to further proceed with constructions. In the light of the stand taken by the respondent - Municipality even in the Land Grabbing Case, referred to supra, prima facie this Court is of the considered opinion that in a way the respondent - Municipality is estopped from contending otherwise. No doubt it is in a way estoppel by pleading only. However, certain observations were made in relation to the question of title by the learned Division Bench. It is true that the said order made by the Division Bench had attained finality. In the facts and circumstances of the case and also in the light of the series of the judicial proceedings, referred to supra, this Court is of the considered opinion that the impugned order cannot be sustained and accordingly the impugned order in the Writ Petition is held to be arbitrary and illegal, and accordingly the same are hereby set aside. The Writ Petition is accordingly allowed however subject to further direction i.e., any further constructions which may be proceeded by the petitioners would be subject to the result of any civil litigation which may be

initiated or if already initiated, as the case may be, by the Zaheerabad Municipality- respondent herein.

15. The Writ Petition is allowed to the extent indicated above. No order as to costs.