

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION No.24815 of 2015

Between:

Smt. Sameera Begum,
W/o. Zabi, Aged about 32 years,
Occ: Housewife, R/o. Gowthamnagar,
Nizamabad, Nizamabad District & another

.. Petitioners

AND

The Government of Telangana,
Rep. by its Prl. Secretary,
Revenue Department,
Telangana Secretariat,
Secretariat Buildings, at Hyderabad & 3 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

According to the petitioners, they were allotted house site pattas in respect of Plot Nos.1 to 14, to an extent of 80 square yards each in Survey No.108, situated at Gowthamnagar, Nizamabad. Assignment Pattas were granted to them. The petitioners claim that they have earlier constructed temporary houses and they were also assigned Municipal Door bearing Nos. 6-22-563/C/1 and 6-22-563/C/4. They have been paying municipal tax regularly. According to the petitioners, the temporary houses earlier constructed got damaged and the petitioners intend to construct new thatched houses. The petitioners are in the process of strengthening the foundation for constructing thatched houses. At this stage, the municipal authorities are interfering and not allowing the petitioners to undertake the construction. Hence, this writ petition.

2. As seen from the averments made in the affidavit filed in support of the writ petition, the petitioners have not applied for building permission. Whatever may be the nature of construction, if a person intends to make construction, it is mandatory to apply for building permission and without applying for building permission, no construction can be made. Though no material is filed in support of the contention that the respondent municipal authorities are interfering, in law they are entitled to interfere and stop any construction made without prior

permission. At this stage, learned counsel for the petitioners submits that the petitioners be given liberty to apply for permission to construct houses in the subject properties.

3. Having regard to the submissions made, the Writ Petition is disposed of leaving it open to the petitioners to apply for building permission and as and when such applications are submitted, the respondent Municipal Corporation shall consider and pass appropriate orders, as warranted by law. Till the building permission is granted, the petitioners shall not undertake any construction and the structures shall remain at the stage of foundation as is stated by the learned counsel for the petitioners. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 7th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 7th August, 2015

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