

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.27706 of 2015**

**DATED : 31.08.2015**

Between :

R.Chenchu Raghava Raju S/o.Chenchu Raju.,  
Hindu, Aged about 61 yrs, Occu : Business,  
R/o.D.No.20-3-2/1C, Sivajyothinagar,  
Tirupathi, Chittoor District.

.. Petitioner

and

The State of Andhra Pradesh,  
Rep., by its Principal Secretary,  
Department of Municipal Administration & Urban Development,  
A.P.Secretariat Buildings, Hyderabad & another.

.. Respondents

This court made the following :

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**ORDER :**

According to learned counsel for the petitioner, the petitioner earlier obtained building permission on 24.08.2011 and constructed a house in accordance with the building permission granted and also a compound wall. On the allegation that unauthorized constructions were taken up in the same premises, while demolishing the unauthorized constructions made, due to mistake a portion of the building of the petitioner was also demolished along with the compound wall. The petitioner is undertaking repairs to the building and also reconstructing the compound wall demolished which was strictly in accordance with original building plan granted to the petitioner on 24.08.2011. However, the respondent-Municipal authorities are interfering with such construction and are preventing the petitioner from undertaking construction.

2. As fairly stated by learned counsel for the petitioner, bonafidely the petitioner was undertaking construction since it was wrongly demolished, by relying on the earlier building permission granted to him but the petitioner has not applied for fresh permission from the municipal corporation to undertake reconstruction of compound wall which was removed earlier. Thus admittedly, there is no fresh permission obtained to construct the compound wall. Even according to the petitioner the entire construction was completed as per the original building plan. Thus, the said building permission no more survives. If at all the petitioner wants to undertake fresh construction, it is mandatory to apply to the Municipal Corporation and obtain permission. Since the petitioner has not obtained any such permission, I do not see any illegality on the part of the respondent Corporation even assuming that the authorities of the respondent Corporation are interfering and asking the petitioner not to undertake repairs or reconstruction of the compound wall.

3. Having regard to the same, the Writ Petition is disposed of granting liberty to the petitioner to submit building permission application before the Commissioner, Municipal Corporation, Tirupati (2<sup>nd</sup> respondent) seeking permission for whatever repairs, reconstruction/fresh construction, he intended to make in the subject premises. Only after obtaining due permission from the 2<sup>nd</sup> respondent, the petitioner can undertake construction as proposed by him. As and when such representation is received, the

respondent-Corporation shall consider the same objectively and take decision as expeditiously as possible preferably within a period of four weeks from the date of receipt of application and communicate the same to the petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**P.NAVEEN RAO,J**

31<sup>st</sup> August, 2015.  
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