

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21700 of 2009

Dated : 01.04.2015

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Between:

Gowri Shankar Goud S/o.Late N. Ashok Goud,

Aged 25 yrs, Occu : Business,

R/o.H.No.2-56, Serlingampally, Rangareddy District

.. Petitioner

And

The District Collector,

Rangareddy District at Lakdi-ka-pool & 3 others

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

In this writ petition petitioner complained that the respondent-authorities as well as the 4th respondent are trying to obstruct, encroach upon and interfere with the petitioner from undertaking patch works to the compound wall which was severely damaged due to incessant rains during the year 2009. Certain markings were also made on 07.10.2009 by the authorities on the premises of the petitioner. Petitioner apprehended illegal demolition and obstruction to enjoyment of the private residential house of the petitioner.

2. Learned counsel for the petitioner submits that the house is an old one constructed long ago and compound wall was built long ago. Due to heavy rains in the year 2009, the compound wall was severely damaged. In order to protect the

compound wall, the petitioner intended to under take patch work so that no further damage would be caused. At this stage the neighbour who had an evil eye to grab the property of the petitioner, in connivance with the officers of the respondent-Municipal Corporation, sought to obstruct from undertaking repairs and to demolish the structures made and encroach upon the property.

3. Learned Standing Counsel Smt Y. Padmavathi submits that even to undertake repairing, permission is mandatory.

4. Except filing the photographs showing construction of the compound wall, no other material is placed as proof of such illegal action by the respondent-authorities or the said private person.

5. There is no material placed on record to show that the petitioner has valid permission from the Municipal Authorities either to undertake construction of compound wall or to undertake repair.

6. Learned counsel for the petitioner fairly submits that no such permission was taken since there was urgency in undertaking the repairs.

7. A bare look at the photographs, it appears that it is not a mud compound wall, but built with cement bricks. The photographs do not show as if repairs were undertaken. It appears to be a new construction of compound wall. Be that as it may, as fairly submitted by the learned counsel for the petitioner, no representation was made in writing for obtaining appropriate permission. Learned counsel further submits that the toilet facilities are not available and the petitioner intends to construct toilet and there is urgent need for construction of toilet.

8. Learned Standing Counsel submits that no representation was submitted by the petitioner seeking for permission to undertake repairs or construction of compound wall or construction of any other structures and as and when such representation is made, as per the procedure now envisaged which is now called Green Channel, appropriate permissions will be granted within a period of two weeks.

9. Having regard to the said submissions, the petitioner is granted liberty to submit a representation to the concerned Deputy Commissioner, Serlingampally, Greater Hyderabad Municipal Corporation for required permissions. As and when such representation is received, the same shall be processed as expeditiously as

possible, preferably within a period of two weeks. If petitioner requires to fulfill statutory compliance for granting permission, the same should be informed to the petitioner within a further period of two weeks and on such compliance, appropriate permissions be granted. It is open to the petitioner to work out his remedies if the permissions as requested by him are not granted.

10. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

_____**P.NAVEEN RAO,J**

1st April, 2015

Rds