

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.5205 of 2015

Dated : 11.06.2015

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Between:

Smt Anees Fatima W/o.Sri Shakeel Ahmed,
Aged about 42 yrs, Occu : Housewife,
R/o.H.No.5-3-103 & 104, Kapuwada,
Karimnagar Town, Karimnagar District, T.S.

.. Petitioner

And

The State of Telangana,
Municipal Administration & Urban Development Dept.,
Rep., by its Secretary,
Secretariat, Hyderabad
Rep., by its Principal Secretary & 3 others

.. Respondents

This Court made the following :

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ORDER :

The petitioner claims to be in possession of property bearing House No.5-3-103 & 5-3-104 admeasuring 283 Square yards situated in Kapuwada, Karimnagar Town. On 22.02.2015 the Karimnagar Municipal Corporation, issued notice informing the petitioner that the building is identified as dilapidated and in dangerous condition when it was inspected by the office staff and petitioner was asked to remove the building within seven days. On receipt of the said notice, the petitioner filed an explanation informing the Corporation that the building is not in dilapidated condition as alleged in the notice and to ascertain the Structural Stability

of the building, the petitioner has approached the Jawaharlal Nehru Technological University, and when they expressed their disinclination to undertake such exercise, the petitioner approached the National Institute of Technology (NIT) at Warangal and is awaiting their response to the request made by the petitioner.

2. Apprehending that the respondent-Corporation is seeking to take coercive steps to demolish the building, this writ petition is instituted.

3. On account of interim order granted earlier by this Court, no coercive action was taken by the Corporation.

4. Learned Standing Counsel representing the respondent-Corporation submits that since the petitioner himself has volunteered to obtain the certificate of structural stability of the building, it is her responsibility to obtain such certificate. Whereas the report of the Engineer of the Municipal Corporation, already submitted to the Corporation would disclose that the building stability is not good and there can be danger to the occupants of the building, neighbours and the passers by.

5. The learned counsel for the petitioner contends that building stability is not as bad as contended, and only a portion of the building is affected and exposed and the same can be immediately attended to. Since the petitioner has no expertise, she has approached the NIT, Warangal, to obtain structural stability certificate and at this stage if the building is demolished, great prejudice would be caused to the petitioner.

6. Having regard to the said submissions, the Writ Petition is disposed of granting five (5) weeks time to the petitioner to obtain Structural Stability Certificate from NIT, Warangal or any other reputed institution and submit the same to the respondent-Corporation. If the petitioner submits the Structural Stability Certificate along with additional explanation within a period of five (5) weeks, the same shall be considered. If such explanation is not submitted, it is open to the respondent-Corporation to take further action as warranted by law. If the petitioner submits the said Structural Stability Certificate and additional explanation, until the orders are passed on such explanation no coercive action shall be taken by the respondent-Corporation. In the meantime, the petitioner shall take all precautions, so that no harm can be caused to the neighbours and passers by and shall ensure Structural Stability of the building by undertaking necessary repairs immediately.

7. With the above directions, this 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**

11th June, 2015

Note : Issue c.c. in three (3) days

B/o.

Rds