

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28802 of 2015

DATED : 07.09.2015

Between :

Mr. Abdul Shukoor S/o.Abdul Subhan,
Aged about 59 yrs, Occu : Business,
R/o.H.No.8-2-460/33, Road No.4,
Banjara Hills, Hyderabad.

.. Petitioner

and

The State of Telangana,
Through its Principal Secretary,
Municipal Administration, having office at
Secretariat, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

The petitioner claims to be in possession and enjoyment of small shop built in 50 Square yards in M.C.No.6-3-1090/A/1/1, Plot No.17, Sy.No.28, Ward No.6, Block No.3, Somajiguda, Hyderabad. Since the shop required certain renovations, when the petitioner was undertaking renovation work, the authorities of respondent-Corporation, are interfering and threatening the petitioner with dispossession and demolition of the existing structure.

2. According to learned counsel for the petitioner, what is undertaken by the petitioner is only repairs and small alterations. The petitioner need not obtain prior permission for undertaking such alterations or repairs and the respondent-Corporation has no authority to stop such renovation work and threaten the petitioner with demolition.

3. As rightly contended by the learned Standing counsel for the respondent-Corporation, in accordance with the provisions contained in Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') it is mandatory for the owner of the property to obtain permission for repairs or renovation or any alterations, intended to be made to the existing structures. Apparently, no such permission was obtained by the

petitioner and the petitioner was under the impression that since the extent of property is only 50 Square yards, there is no requirement of obtaining permission. However, the Act, does not give any exemption based on the extent of property only.

4. At this stage, learned counsel for the petitioner submits that the petitioner would be advised to apply for appropriate permission and would undertake such renovation/repair/alteration, only after appropriate permission is obtained.

5. Having regard to the above, the writ petition is disposed of, giving liberty to the petitioner to submit application to

the respondent-Corporation, for undertaking renovation/repair/alteration. As and when such application is received, the respondent-Corporation shall consider the same and pass appropriate orders as warranted by law. The petitioner is directed not to undertake any renovation/repairs/alterations until such permission is granted. The respondent-Corporation is also directed not to interfere with the possession of the petitioner without following due procedure of law. There shall be no order as to costs.

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

P.NAVEEN RAO,J

7th September, 2015.
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