

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

MONDAY, THE FIFTH DAY OF OCTOBER TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

—

WRIT PETITION No.32243 of 2015

Between:

Mohd. Yousuf Ahmed,
S/o. Late Mohd. Shamsheer Ali,
Aged about 60 years,
Occ: Retired Employee,
R/o. 1-4-312/313/A,
Hyderabad 'X' Roads,
Opp. APHB Colony, Bhongir Town,
Nalgonda District.

.. Petitioner

AND

The Government of State of Telangana,
Rep. by its Secretary,
Municipal Administration &
Urban Development Department,
Secretariat, Hyderabad & another

.. Respondents

The Court made the following:

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ORDER:

The petitioner claims to be the owner of open plot admeasuring 85 square yards in Survey No.924, situated at Hyderabad ‘X’ Roads, behind Muslim Function Hall, Bhongir Town, Nalgonda District, having purchased the same in the year 2008. The grievance of the petitioner is that since the land is open plot and not bounded by any compound wall, the people in the surrounding area are dumping rubbish and garbage into the open plot of the petitioner. To avoid this, the petitioner intends to construct a compound wall, but the respondent authorities are interfering with the construction and the petitioner claims to have submitted several representations permitting him to construct a compound wall.

2. The material papers filed along with the writ petition do not disclose submission of any building permission application as required by the provisions of the A.P. Municipalities Act, 1965, and the Rules made thereunder seeking

permission of the 2nd respondent Municipality for undertaking construction of the compound wall. Without applying for permission and obtaining permission, no construction activity including construction of the compound wall can be taken up. Though the grievance of the petitioner is to construct a compound wall, the prayer sought in the writ petition is that the 2nd respondent Municipality should prevent throwing of rubbish and garbage in the open plot and claims compensation for demolishing the basement made by the petitioner.

3. Admittedly, no permission is granted to the petitioner for construction of compound wall. Further more, it cannot be the responsibility of the Municipality to keep 24 hours watch on the plot of the petitioner with reference to some unauthorized persons throwing the garbage. If the petitioner intends to protect his property, it is for him to apply for building permission and construct compound wall and without obtaining any building permission, no compound wall can be constructed. Having regard to the same, the relief sought for by the petitioner cannot be granted.

4. Accordingly, the Writ Petition is disposed of, leaving it open to the petitioner to submit building permission application, as required, by duly paying the requisite fee and by enclosing all the documents in support of his claim. As and when such application is filed, the Commissioner, Bhongir Municipality, Bhongir Town, Nalgonda District (2nd respondent) shall consider and pass appropriate orders, as warranted by law, within a period of three (3) weeks. Till the decision is made on such application, no coercive steps shall be taken against the petitioner. The petitioner also cannot undertake any further construction on the subject premises until the building permission is granted. 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: 5th October, 2015

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