

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.32401 OF 2014

DATED:23-11-2015

Between:

Kalidindi Narasimha Raju ... Petitioner

And

The State of Andhra Pradesh

Rep. by its Secretary

Municipal Administration Department

Secretariat

Hyderabad

and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. P. Gangaiah Naidu, for

Mr. M. Suryanarayana

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal Administration

(AP)

COUNSEL FOR RESPONDENT NO.2: Mr. Ancha Panduranga Rao

COUNSEL FOR RESPONDENT NO.3: Mr. P. Govind Reddy

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed by the owner of the property bearing D. Nos.25-1-24, 25-1-25, 25-2-2/2, 25-2-2/3 and 25-2-2/4, situated at Vijay Vihar Center, Eluru, West Godavari District, feeling aggrieved by the inaction of respondent No.2 in taking further steps for removal a portion of the said premises in occupation of respondent No.3, as it seems the said respondent, who is a tenant of the petitioner, is seriously disputing the claim of the latter that the building owned by him has become dilapidated.

On the petitioner approaching respondent No.2, the latter has issued a notice in Roc. No.1603/2014/G2, dt.10.6.2014, under Section 456 of the Greater Hyderabad Municipal Corporation Act, 1955 to the petitioner as well as respondent No.3 informing that the building has become old and it has the potential danger to the lives of the people using the same and also the neighbouring residents. Accordingly, a direction was issued to remove the building within three days from the date of receipt of the notice failing which respondent No.2 himself will remove the building and the cost will be recovered. While the petitioner as owner seeks enforcement of this notice for removal of the building, respondent No.3, tenant of one of the portions of the said premises, is seriously opposing the same by contending that the removal of the building is a mere ploy being employed by the petitioner to evict his tenants.

At the hearing, Mr. P. Gangaiah Naidu, learned Senior Counsel for the petitioner, submitted that except the portion in occupation of respondent No.3, the other four portions were removed and that existence of the portion in possession of respondent No.3 will pose a serious danger to its occupants as well as the neighbours.

Mr. P. Govind Reddy, learned counsel for respondent No.3, seriously opposed this submission and disputed the opinion of respondent No.2 that the building has become old and it has the potential danger to the lives of the people using the same.

In view of the serious dispute between the parties, I am of the opinion that it would be appropriate if respondent No.2 makes a personal inspection of the building along with the concerned Executive Engineer, Roads & Buildings Department, after notice to the petitioner and respondent No.3. The petitioner and respondent No.3 shall be personally present at the time of inspection notified by respondent No.2. Respondent No.2 shall obtain written opinion of the Executive Engineer on the fitness of the building and take a decision depending upon the opinion given by him. This exercise shall be completed within one month from the date of receipt of this order and the result thereof shall be intimated to the petitioner as well as respondent No.3.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. Nos.40500 of 2014 and 27399 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

23-11-2015

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