

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

**MONDAY, THE TWENTY FOURTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.26693 of 2015

Between:

Farahat Begum.

.. Petitioner

AND

The State of Telangana represented by the Principal Secretary,
Revenue Department, Secretariat, Hyderabad and others.

.. Respondents

The Court made the following:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.26693 of 2015

ORDER

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 and 3, learned Standing Counsel for respondent No.2 and learned Government Pleader for Home for respondent No.4.

2. Petitioner claims that she is the owner of land to an extent of 66.66 square yards in Sy.Nos.25 and 30 at New Shankar Nagar Basthi, Old Malakpet, Hyderabad. Petitioner alleges that when she was undertaking construction of a small dwelling hut, the authorities of the second respondent Municipal Corporation are interfering and objecting to the said construction. Challenging the same, this writ petition is filed.

3. According to learned counsel for the petitioner, so far petitioner has not undertaken any construction and she was only cleaning and securing material to construct. The authorities cannot raise objection without following due procedure and the same is illegal and arbitrary.

4. Learned Government Pleader for Revenue for Telangana State submitted that in fact, the entire extent of land belongs to the State and it is a Government land and no such permission can be granted to the petitioner.

5. However, I am not inclined to go into the rival claims regarding the title of the subject property. The issue in the present writ petition is confined to the entitlement of the petitioner for undertaking construction without obtaining prior permission.

6. As seen from the averments in the affidavit filed in support of the writ petition and the material papers enclosed, the petitioner has not filed any application seeking permission to undertake construction by submitting an appropriate plan and so far, no permission is obtained by her. Without permission from the Municipal Corporation or prior intimation and submission of the plan, no construction can be undertaken irrespective of the nature of construction proposed to be made. Therefore, I do not see any illegality in the action of the authorities of the second respondent Corporation in taking objection to the petitioner undertaking construction and in the guise of alleging obstruction by the authorities, the petitioner cannot invoke the jurisdiction of this Court to undertake construction. However, it is open to the petitioner to apply for permission to the respondents concerned by complying with due formalities as required by law, and as and when such an application is received, it is for the respondents to consider the same and pass appropriate orders in accordance with law, and unless such a building permission is obtained, the petitioner shall not undertake any construction.

7. The Writ Petition is, accordingly, disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

24th August, 2015

sj