

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

WRIT PETITION No.2829 of 2016

-
01.02.2016

Between:

Satti Dora Reddy

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.K.Sai Rama Murthy
for Mr.K.V.Subrahmanya Narusu

Counsel for respondent No.1: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent No.2: --

The Court made the following:

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ORDER:

The petitioner, who admits that a compound wall is raised around the property claimed by him without permission, however, assails the action of respondent No.2 in breaking open the lock of the gates of the compound wall and the proposed action of the said respondent in seeking to demolish the same.

At the hearing, Mr.S.Lakshmi Narayana Reddy, learned standing counsel for the Greater Visakhapatnam Municipal Corporation (GVMC) appearing for respondent No.2, on instructions, has submitted that on 07.01.2016, a complaint was received from the people of the residents of the Visakhapatnam Urban Development Authority (VUDA) Colony, Phase II, that the petitioner has raised a compound wall encroaching upon the space earmarked for the Colony, without permission from respondent No.2, and that thereupon, the officials of respondent No.2 have visited the petitioner's property and found that the compound wall is raised with gates, without obtaining any permission. He has further submitted that the officials of respondent No.2 have not demolished the compound wall so far.

On the petitioner's own showing, no permission for raising compound wall has been secured either by himself or by his predecessors in title. Therefore, *prima facie*, the construction of compound wall, without permission, is illegal. However, even for removal of such illegal construction, respondent No.2 shall follow due process of law prescribed under the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), by issuing notice under Sections 452(1) and 461(1) of the Act and thereafter, passing an order under Section 452(2) of the Act and issuing a final notice under Section 636 of the Act.

In the above view of the matter, respondent No.2 is directed to

follow the abovenoted procedure before removing the compound wall.
The petitioner shall also not raise any further construction over the subject property till respondent No.2 completes the abovenoted procedure.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.3545 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

01st February, 2016
GHN