

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.44018 of 2016

Date :19.12.2016

Between :

National Council of YMCAs in India  
Bharat Yuvak Bhavan, Jaisingh Road  
New Delhi and another

Petitioners

And

The State of Telangana  
Rep by its Principal Secretary,  
Municipal Admn & Urban Devp Department  
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners, learned Government Pleader for Municipal Administration for first respondent and Sri Chatla Madhu for respondents 2 to 4 and with their consent, the writ petition is taken up for disposal at the stage of admission.

Learned counsel for petitioners submits that on 3.9.2016 notice under Section 459 of HMC Act, 1955 was issued holding that building standing in the premises of petitioner association is in dilapidated condition and same is required to be demolished. Initially reply was furnished by a person claiming to be President of the petitioner association on 14.9.2016 agreeing to dismantle the concerned building. Learned counsel for petitioners submits that an unauthorized person gave such a representation and that the building is not in a dilapidated condition and that said person is no way concerned with the petitioner association. It is stated that on 4.9.2015 an Adhoc committee/second petitioner was constituted to look after the affairs of the petitioner association and no person even President of the second petitioner has knowledge of such letter. Having come to know about the illegal letter written in the name of the association, a letter was addressed on 17.10.2016 by second petitioner informing GHMC that the building is not in a dilapidated condition and that appropriate measures are taken to renovate and strengthen the building and there is no need to dismantle the same. Learned counsel therefore submits that since building is not in dilapidated condition, municipal corporation may consider the representation dated 17.10.2016 and to take appropriate decision in the matter.

Learned standing counsel for respondents 2 to 4 would submit that the representation submitted by the second petitioner dated 17.10.2016 will be considered and in due course appropriate intimation will be given to the second petitioner.

Having regard to these submissions, writ petition is disposed of directing the Deputy Commissioner of respondent corporation to consider the representation of the second petitioner stated to have been submitted on 17.10.2016 and take appropriate decision as warranted by law. Having regard to the status of the building, such decision has to be taken as expeditiously as possible, preferably within a period of three weeks from the date of receipt of copy of this order. Petitioners are also directed to take all measures to ensure stability of the building and shall also ensure that no person(s) shall be affected by any damage that may be caused, if building stability is not good. It is made clear that, if no precautions are taken and any damage is caused to any person(s), the petitioners shall be held responsible. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:19.12.2016  
TVK



P NAVEEN RAO,J

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