

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 42544 of 2016

Date : 16.12.2016

Between :

Bomma Venkateshwarlu S/o Bixam
H No. 5-3-57/1, Venkateshwara Bazar
Mahabubabad district

Petitioner

And

State of Telangana
Rep by its Principal Secretary,
Municipal Administration and Urban Development Dept,
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

This writ petition is filed seeking the following relief:

“.....Writ, Order or direction more in the nature of Writ of Mandamus declaring the action of the Respondents 2 and 3 in interfering with the construction of compound wall of a height of less than 2 meters in order to protect the property of the petitioner i.e. premises bearing H.No. 2-1-120/3 situated near Government Junior College, Mahabubabad East : Government Junior College and Eedga Road West: Others land North: House of Nazeer, site of Bomma Roja Ramani and 24' feet wide proposed Road South: Eedga and Sri Rama Saw Mill and road where his father used to run a Saw Mill in the name and Style of Laxmi Saw Mill and Timber Depot at the instance of Respondents 4 to 6 is nothing but arbitrary, illegal, unjustified and violative of Article 14 of Constitution of India and also contrary to the provisions of AP Municipalities Act 1965 and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned counsel for petitioner submits that for construction of the compound wall of less than 2 feet height, there is no requirement of obtaining permission from the municipality, whereas, municipal authorities are trying to interfere and restraining the petitioner from undertaking such construction.

Learned standing counsel, on instructions, submits that as of now they have not taken any such steps, however, certain complaints are received by neighbors and that the municipality will follow due process of law, if they notice any construction is being taken up.

In the circumstances, the writ petition is disposed of, leaving it open to the respondent municipality to follow due process of law, if they intend to take any action against the petitioner. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:16.12.2016
TVK

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