

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.34348 OF 2016

Date : 1.12.2016

Between :

M/s. Gayathri Residency Welfare Association,
Dreamvally road, Manikonda, Hyderabad

Petitioner

And

The State of Telangana
Rep by the Principal Secretary,
Municipal Administration & Urban Devp Dept
Secretariat, Hyderabad and others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.34348 OF 2016

ORAL ORDER:

The building represented by the petitioner association was constructed with stilt plus four floors consisting of 91 residential flats. During heavy rains in last week of September, 2016, authorities of respondent corporation have taken up action of removing the encroachments on Nalas on a war footing to ensure free flow of water into the drainage system. In the process, alleging that compound wall was constructed by occupying Nala, the compound wall of the petitioner building was also removed. Alleging that the compound wall was illegally removed, this writ petition is filed.

The photographs enclosed to the writ petition would disclose that the compound wall was apparently constructed in the Nala-bed. Therefore, it cannot be said that there was no occupation of Nala. In support of their contention, that petitioner has not occupied Nala, no other material is filed. No material is filed to show that in accordance with building plan sanctioned to them, the compound wall was constructed within the property of the petitioner and without encroaching the Nala. However, learned counsel for petitioner sought to justify construction of the compound wall on the ground that after due satisfaction of the construction of the building and other infrastructure, Occupancy Certificate was issued, therefore the authorities cannot now hold that the compound wall was constructed by occupying the Nala.

It appears from the photographs filed, which fact was not denied that the compound wall was already demolished.

Having regard to these facts, learned counsel would fairly submit that petitioner would intend to undertake construction of compound wall.

There is no objection for construction of compound wall, if the same is undertaken within the permissible limits as per the building permission granted

and away from the Nala flowing adjacent to the petitioner residential premises. Thus, liberty is granted to the petitioner to apply to the Gram Panchayat/4th respondent seeking permission to undertake construction of compound wall. The Gram Panchayat and Technical Officer of Hyderabad Metro Development Authority shall inspect and on being satisfied that the compound wall proposed for construction is not in occupation of Nala and within permissible limits, permission may be granted. Petitioner can undertake construction of the compound wall only after such permission is granted.

Accordingly, writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE: 1.12.2016
TVK

P NAVEEN RAO,J



HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.34348 OF 2016

Date : 1.12.2016