

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39742 of 2016

Date: 18.11.2016

Between:

Sri R.Manohar, S/o late Om Prakash,
Aged about 47 years, Occu: Business,
R/o H.No.5-2-870, First Floor,
Risala Abdullah, Osmangunj, Hyderabad.

.....Petitioner

and

The State of Telangana, rep.by its Principal
Secretary, Municipal Administration,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.39742 of 2016****ORDER:**

Petitioner claims to be the owner of the property admeasuring 160 square yards in Risala Abdullah, Osmangunj, Hyderabad. Petitioner claims that the structures in the subject property are in dilapidated condition and they are likely to fall at any time and that respondent corporation ought to have taken steps for removal of the structures, which are in dilapidated condition. It appears that 4th respondent is a tenant of the subject premises. There is a dispute between the 4th respondent and the petitioner. The 4th respondent instituted O.S.No.2546 of 2016 on the file of XX Junior Civil Judge, City Civil Courts, Hyderabad.

2. Though petitioner claimed that the structures in the subject premises were in dilapidated condition, in spite of repeatedly requesting the learned counsel for petitioner to clarify as what efforts are made by the petitioner to remove the dilapidated structures, no specific answer is given. It appears no notice was effected on the tenant to remove such structures assuming that they are in dilapidated condition. There is no material on record to show that the structures are in dilapidated condition. It is the responsibility of the owner or occupier of the subject premises to ensure proper stability of the building and only if there is no possibility of ensuring stability of the building, they should remove the same on their own. The GHMC can come into picture and take immediate steps only in case where, in spite of putting on notice, neither the owner nor occupier do not take precautions for

protection of the property or to remove the dilapidated structures, as an extreme measure to ensure that such dilapidated structure do not cause damage to neighbouring property or affect the neighbours or passersby physically, it can remove such structures and recover the amount of expenditure incurred by the GHMC. Thus, the power vested in the GHMC is to be exercised in extraordinary circumstances. No such contingency is shown here. The photographs enclosed to the writ petition do not show that building is in dilapidated condition and in fact, it appears the structures are already demolished. Thus, no case is made out to grant relief as sought for and writ petition is liable to be dismissed and is accordingly dismissed. However, it is open to the petitioner to take all legal remedies that are available to him to ensure, if there is any structure which is in dilapidated condition to strengthen or remove.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

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