

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3149 of 2016

Date:04.02.2016

Between:

Dr. Rizwana Habib,
W/o Dr.Habeeb and four others.

..... Petitioners

And:

The State of Telangana, repled., by its Principal
Secretary, Municipal Admn., Hyderabad
and two others.

.....Respondents

Counsel for the Petitioners: Mr. Mohd. Osman Saheed

For Mr. Mohd. Adnan

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents, in insisting on the petitioners to obtain building permission for raising a fence around 5,000 square yards of land in Survey No.51/1 (New), Old 48/1, situated at Amberpet, Hyderabad, as illegal and arbitrary.

At the hearing, Mr. Mohd. Osman Saheed, learned

counsel representing Mr. Mohd. Adnan, learned counsel for the petitioners, has not disputed that the word 'building' defined under Section-2(3) of the Greater Hyderabad Municipal Corporation Act, 1955, includes fence also. Hence, respondent Nos.2 and 3 are justified in preventing the petitioners from raising fence around the above-mentioned land without obtaining permission.

In this view of the matter, I do not find any merit in this Writ Petition and the same is, accordingly, dismissed, however, with liberty to the petitioners to approach respondent No.2 with an application for grant of permission for raising fencing around the above-mentioned land and if such application is filed, the said respondent shall consider the same and communicate its decision to the petitioners expeditiously.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.3998 of 2016 shall stand dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*04th February, 2016
DR*