

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12206 OF 2017

ORDER:

The grievance of the petitioner in this Writ Petition is that the 2nd respondent municipal authorities have been preventing him from constructing the compound / boundary wall surrounding his property admeasuring Ac.0.06 guntas in Survey No. 796/EE situated at Korutla Village and Mandal, Jagtial District.

Heard learned counsel for the petitioner.

Sri N. Praveen Kumar, learned Standing Counsel for the 2nd respondent Municipality submits that the petitioner had not applied for permission for construction of the boundary wall.

'Building', as defined under Section 2(3) of the Andhra Pradesh Municipalities Act, 1965 includes wall other than a boundary wall not exceeding two meters in height. A boundary wall not exceeding 2 meters in height is outside the purview of the definition *'building'*. Further, Section 209 of the Act mandates that if any person intends to construct or reconstruct a building, he has to apply to the Commissioner for permission.

In the present case on hand, it is the specific assertion of the petitioner that what is being constructed is only a boundary wall, that too within 2 meters height. Inasmuch as under Section 209, permission is required for construction of a compound / boundary wall exceeding two meters height and since the petitioner is constructing the boundary wall within two meters height, no obstruction can be made by the respondent authorities.

In those circumstances, subject to the condition of the petitioner adhering to the height restriction, his construction shall not be interfered with. This Court restraining the 2nd respondent authorities from interfering with the construction of a compound wall shall not be construed as expressing any opinion with respect to the right, title or possession of the petitioner, as admittedly, civil suits are pending between the petitioners and others.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

06th April 2017

ksld

CHALLA KODANDA RAM, J

