

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43012 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

“For the reasons stated in the above accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a Writ, Order or Direction; more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the representation made by the petitioner dated: 27.11.2017 addressed to 3rd respondent seeking permission to construct a compound wall around Plot No.12/Part & 13 in Sy.No.738 as 739 to an extent of 237 sq. yds situated at Uppal Revenue Mandal, Ranga Reddy District as illegal, arbitrary and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *M.V.Hanumantha Rao*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Pasham Krishna Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (for short, ‘GHMC’), appearing for the respondents 2 & 3. I have perused the material record.

3. The case and grievance of the writ petitioner is that he is the owner of the Plot No.12/Part and 13 in Survey Nos.738 and 739 of an extent of 237 square yards, situated in Uppal Revenue Mandal, Ranga Reddy District, and that for the reason that there is no compound wall around the said plot, public are using it as a dumping yard and that, therefore, the petitioner gave a representation, dated 27.11.2017, to the Municipal Corporation authorities for permission

to construct a compound wall enclosing his plot and as no action has been taken, the present writ petition is filed.

4. Learned counsel for the petitioner *inter alia* submits that earlier, a House No.2-11-118/A was assigned to the property.

5. Learned Standing Counsel would submit that a representation is not sufficient for granting permission for construction of a compound wall and that the petitioner has to follow the procedure and submit an application and pay necessary fee, if any, payable and that if the petitioner complies with the said requirements, his request would be considered in accordance with procedure established by law.

6. Learned counsel for the petitioner would submit that the petitioner would comply with the necessary procedural requirements, as per law.

7. Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to submit an appropriate application and fulfil the necessary requirements for according permission for construction of a compound wall, within a period of three (03) weeks from the date of receipt of a copy of this order; on the petitioner making such an application, the concerned authority of GHMC shall consider and dispose of the said application within the time allowed under law, by following the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 21st December, 2017
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