

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 44641 OF 2017

ORDER:

This writ petition is filed seeking to declare the action of respondent No.2 and its officials in trying to interfere with the repair works undertaken by the petitioners' in house bearing No.2-7-28/A in Survey No.3/1A situated at MVP Colony, Pedawaltair, Visakhapatnam, as illegal and arbitrary.

The case of the petitioners is that they are the owners of the above said house and when they are carrying out certain repairs, the respondent authorities are interfering with the same.

Learned counsel for the petitioners would submit that the petitioners are not violating the provisions of the Hyderabad Municipal Corporation Act (for short 'the Act') and as a matter of fact, only repairs are carrying out and when the respondent authorities are interfering, the petitioners got issued a legal notice on 11.08.2017, but there was no response.

Sri S.Lakshmi Narayana Reddy, learned Standing Counsel for respondent No.2, would submit that even carrying out repairs or modifications to the existing structures, necessary permission is required under Section 443 of the Act. He would deny the interference of the respondent authorities and assert that it is only by obtaining orders of non-interference, the petitioners may proceed with the construction.

In view of the above submissions, as the statute mandates obtaining permission prior to the commencement of the work, the petitioners are at liberty to approach the respondent authorities by filing proper application seeking permission and by paying requisite fee. Such application shall be considered by respondent No.2 within a period of two weeks from the date of receipt thereof and if it satisfied with the conditions, it shall accord appropriate permission. It is made clear that till such time, the petitioners shall not carry out any construction/repair work, except the internal repair works, if any. It is also made clear that if the same is violated, respondent No.2 is at liberty to issue proper notice and take appropriate action in accordance with law.

The writ petition is accordingly disposed of.

Consequently, the miscellaneous petitions, if any shall also stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:28.12.2017

Note: Issue cc in one week.
kdl