

**HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.8057 of 2019**

**ORDER:**

This writ petition is filed challenging the action of respondent No.2 – Nizamabad Municipal Corporation in obstructing the petitioner to construct a barbed wire fencing around the subject property in an extent of 180.56 square yards in Sy.Nos.590 and 363, situated at Nizamabad Shivar, Nizamabad Mandal and District, as illegal and arbitrary.

The case of the petitioner is that the property in an extent of 180.56 square yards in Sy.Nos.590 and 363, situated at Nizamabad Shivar, Nizamabad Mandal and District, was gifted to her by her father vide registered Gift Settlement Deed No.7225/2008, dated 08.12.2008. Though she obtained building permission in the year 2010 for construction of a house in the said premises, due to financial difficulties, she could not construct a house in the said premises within the stipulated time. Therefore, in order to safeguard the said property, when the petitioner is trying to construct a barbed wire fencing around the subject property, the respondent authorities are interfering with the said construction activity. Hence the present writ petition.

Learned counsel for the petitioner submits that the respondents have no right to interfere with the construction

of a barbed wire fencing around the subject property of the petitioner.

The learned Standing Counsel for the 2<sup>nd</sup> respondent – Nizamabad Municipal Corporation submits that in terms of G.O.Ms.No.168, dated 07.04.2012, even with regard to fencing or construction of a compound wall, there is an obligation on the part of the individuals to obtain necessary construction permission by making an application and by paying the requisite fee to the competent authority. Inasmuch as the petitioner has proceeded with the construction without making any application and without obtaining any permission from the competent authority, the respondent authorities have rightly prevented the petitioner from constructing the barbed wire fencing.

Having regard to the respective submissions, as construction of barbed wire fencing around the subject property by the petitioner without obtaining necessary permission is in violation of the terms of G.O.Ms.No.168, dated 07.04.2012, the respondent authorities have rightly prevented the petitioner from making such construction. However, if the petitioner wants to construct a barbed wire fencing around the subject property, it is open for the petitioner to approach the respondent authorities seeking permission for such construction and only thereafter proceed with the construction in accordance with law.

Subject to the above observations, this writ petition is closed. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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JUSTICE CHALLA KODANDA RAM

17.04.2019.  
Msr



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