

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.10979 OF 2019

Date: 14.6.2019

Between:

Raveena Jadhav and others.

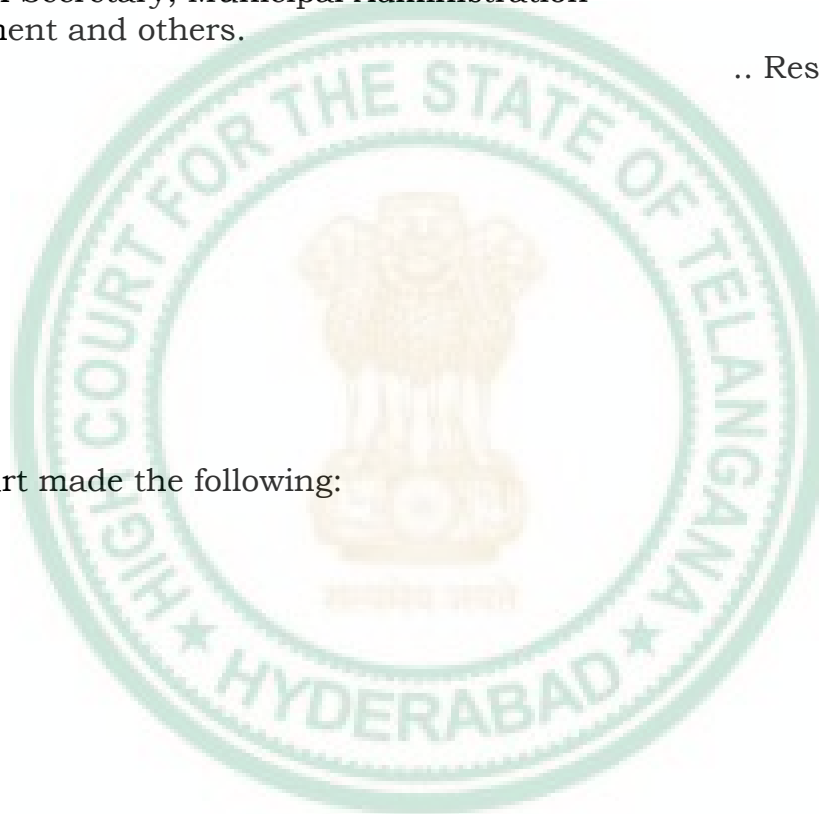
.. Petitioners

And

State of Telangana, rep. by its
Principal Secretary, Municipal Administration
Department and others.

.. Respondents

The Court made the following:



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ORDER:

Heard the learned counsel for petitioners and the learned Standing Counsel for Respondent Corporation and with the consent of both the learned counsel, this writ petition is disposed of at the stage of admission.

2. Petitioners claims to have purchased land admeasuring 644 sq.yards in Survey No.337/5 of Attapur village, GHMC Rajendranagar Circle, Ranga Reddy district and constructed a room and assessed the same in the name of petitioners, which allotted with Municipal No.4-9-125/1/A/32 and petitioners are paying municipal tax and in order to protect their property, petitioners erected fencing by way of blue tin sheets. Petitioners allege that the said tin sheets are now being removed by GHMC without following due process of law.

3. According to the learned counsel for the petitioners, the GHMC cannot remove the constructions made without following due process of law and no notice was given and no opportunity was provided to the petitioners before removing the said tin sheets.

4. The learned Standing Counsel appearing for Respondent Corporation submits that some unidentified persons have encroached into park area as shown in the layout and when Municipal Corporation came to know, lodged complaints with police on 15.2.2019 and 17.4.2019 and a notice was issued on 22.4.2019 and

since there was no person identified who erected the fencing, the notice could not be served.

5. Apparently, no building permission was obtained by the petitioners before erecting fencing. Therefore, the respondents cannot be faulted for removing the fencing even assuming that it was constructed by them.

6. Therefore, the petitioners are granted liberty to file an application for grant of permission to erect fencing on the property claimed by them and as and when such application is made, the Respondent Corporation shall process the same, in accordance with law, and pass appropriate orders within a period of two weeks from the date of receipt of such application. Since the petitioners contend that they erected the fencing and the steel frames and tin sheets removed by the Respondent Corporation belong to them, the Respondent Corporation shall permit the petitioners to take possession of the same on filing appropriate proof of ownership by the petitioners.

7. With the above observations and directions, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

P. NAVEEN RAO, J

Date: 12.6.2019
DA

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



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14.6.2019

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