

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11802 OF 2019

DATED :25.06.2019

Between :

Marepally Sanjeev S/o.Rajaiah,
Aged about 50 yrs, Occu : Agriculture Coolie,
R/o.H.No.2-5-495, Chotti Masjid,
Subedari, Hanamkonda, Warangal District.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and Smt P.Lakshmi, learned Standing counsel for Municipal Corporation.

2. Petitioner claims to be the owner and in possession of House site to an extent of 60 Square yards covered by town Sy.No.110 of Waddepally Village, Hanamkonda Mandal, Warangal Urban District. The said house site patta was granted to petitioner on 02.05.2003. Petitioner claims that he constructed a room in the year 2005 and also paid vacant land tax of Rs.3,045/-, betterment charges and other charges. Petitioner claims that recently he constructed a compound wall around the house site allotted to him. The respondent-authorities are interfering and trying to demolish the compound wall. Hence, this writ petition.

3. As per the Building Rules, whenever construction of compound wall is proposed the owner of property has to apply for permission and should construct only after permission is obtained. Admittedly, no permission is obtained by the petitioner.

4. However as petitioner claims that he is the owner and alleged compound wall is constructed around his property, to balance the equities, the Writ Petition is disposed of with the following order :

(i) Petitioner shall apply for permission to construct compound wall within two weeks from the date of receipt of copy of this order by enclosing all the relevant documents in support of the claim of said application. If the application is otherwise in order, the construction already made be validated and petitioner be permitted to complete the construction.

(ii) Till the application is made and processed, petitioner shall not make any further construction and he shall deposit an amount of Rs.10,000/- with the respondent Corporation. On verification of building permission application, if the respondent-Corporation finds that the application is in order and the claim of the petitioner to undertake construction is valid, the amount of Rs.10,000/- deposited should be refunded, otherwise, the respondent-Corporation is entitled to proceed against the petitioner by following due process.

(iii) The application shall be processed and final decision be communicated to the petitioner granting permission or otherwise, within two (2) weeks from the date of receipt of such application.

(iv) The respondent-Corporation is directed not to demolish the construction made till the building permission application is processed and decision is made. Pending miscellaneous petitions, if any, shall stand closed.

25th June, 2019
Rds

P.NAVEEN RAO,J