

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14653 OF 2019

Date:17.07.2019

Between:

Chintamudaka Sanjeeva Rao,
S/o. Ramaiah, aged about 81 years,
Occ: Retd. Employee, R/o.16-2-836/D/8/14,
Madhava Nagar Colony, Saidabad, Hyderabad .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, MA & UD Department,
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.14653 OF 2019****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Sri N. Ashok Kumar, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC).

2. Petitioner claims to be the owner and in possession of house bearing No.15-4-281 situated at Osmanshai, Gowliguda Chaman, Hyderabad. According to petitioner, the said building was constructed in the year 1890 and is now in a dilapidated condition. Therefore, the GHMC issued notice on 22.07.2017 informing the petitioner that the building is in dilapidated condition and has to be pulled down. In spite of such notice issued and even though request was made by the petitioner to pull down the building and subsequent notice was also issued, so far no steps are taken by the GHMC. This Writ Petition is filed seeking to declare the action of the respondent authorities in not acting on the representation dated 04.07.2019 and consequently direct the respondent authorities to remove or pull down the house of the petitioner.

3. The facts briefly noted above are not in dispute. Petitioner claims to be the owner and in occupation of the subject building. According to petitioner, there is no other person in occupation of the same and that the building is in dilapidated condition.

4. As per Section 456 of the Hyderabad Municipal Corporation Act, 1955, any structure or any building, wall, parapet,

pavement, floor, steps, railings, door or window frames or shutters or roof, or other structure and anything affixed to or projecting from or resting on, any building, wall, parapet or other structure is in ruinous condition or likely to fall, shall be pulled down/secured/removed/to be repaired such structure or thing and prevent all causes of danger therefrom. This Section casts duty on the owner or occupier of the building to maintain the building properly and if the building is not in proper condition, it is likely to cause harm to the neighbours or the residents of the building to pull down the building. The Commissioner of GHMC can direct the person in occupation to pull down/to secure/ to remove/to repair such structure or thing. Thus, the primary responsibility is on the owner or occupier to maintain the building in proper condition and in the event the building cannot be maintained and the structure is in dilapidated condition and is likely to fall, it is the responsibility of the owner or occupier to pull down the structure. In extreme cases where owner or occupier is not taking such steps and occupation of the building is likely to cause danger to the inmates or the neighbours, the GHMC can take extreme step of pulling down the building and to recover the costs of such exercise.

5. Petitioner being the owner and claimed to be in occupation and asserts that the building is in dilapidated condition, nothing prevents him from taking steps to pull down the building and he cannot pass on the responsibility on to the Municipal Corporation to undertake such job.

6. Thus, the Writ Petition is disposed of leaving it open to the petitioner to pull down the subject building by taking all the measures and precautions, as required, and by putting the Corporation on notice in advance. It is also the responsibility of the petitioner to ensure that in the meantime and during pulling down and moving away debris from the building, no hardship or damage should cause to the neighbours and/or passers by. Miscellaneous petitions, if any, shall stand closed.

Date:17.07.2019

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P. NAVEEN RAO, J

