

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25858 of 2019

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the action of the 2nd respondent and its staff in illegally interfering into repair and renovation work of the petitioner in respect of the property bearing municipal No.6-13-116, Namdevwada, Nizamabad as illegal arbitrary and consequently to direct the 2nd respondent and its staff not to interfere into the repair and renovation work of the petitioner in respect of the subject property.

Heard learned counsel for the petitioner as well as Sri V. Satyam Reddy, learned Standing Counsel for respondent No.2.

Learned counsel for the petitioner submits that the petitioner is not making any structural changes in the building. Since the building is dilapidated, which was constructed in the year 1988, he is making some repairs. But the respondent No.2, without issuing any notice, stalling the said work.

On the other hand, learned Standing Counsel for 2nd respondent, basing on the written instructions, submits that even for any material alteration, the permission is required under Section 443 r/w Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955. He also submits that the petitioner is trying to dig hole in the setback area and intending to make construction on the setback areas, as such, the respondent Corporation stopped the said activity.

In this case, it is to be seen that admittedly petitioner was granted permission in the year 1988 and he constructed the house. Now, learned counsel for the petitioner submits that he is only affecting repairs, without any structural changes.

In view of the same, this writ petition is disposed of directing the respondent Corporation not to interfere with the repair works carried on by the petitioner, without any structural changes. If petitioner tries to make any structural changes and tried to make construction in the setback area, it is open for the respondent Corporation to stop the same and take action in accordance with law.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

04-12-2019
kvs

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