

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No. 25946 OF 2019**

**ORDER:**

This writ petition is filed seeking direction to the respondents not to remove the asbestos shed and compound wall constructed in the property of the petitioner at Block No.1, Ward No.22, admeasuring 132 Sq.Yards at Desaipet, Warangal, by declaring the impugned proceedings of the respondents under Sections 452 and 636 of Hyderabad Municipal Corporation Act, 1955, as illegal and arbitrary, and for a consequential direction to the respondents to consider the online application of the petitioner seeking permission for the said construction of the shed and compound wall.

Learned Counsel for the petitioner submits that petitioner was not granted permission for undertaking the subject construction, but she applied for building permission on 17.11.2019. It is also stated that admittedly, the subject property belongs to the petitioner; and that only to protect the said property, compound wall and a small shed is constructed by the petitioner.

On the other hand Smt.Pingali Lakshmi, learned Standing Counsel for respondents 2 and 3 submits that the petitioner has not enclosed any link documents while applying for the building permission, as such, the same was kept pending.

Admittedly, notice was issued under Section 452(1) and 461(1) of the Hyderabad Municipal Corporation Act, 1955, and petitioner

filed explanation and after considering the same, impugned notice under Section 636 of the Act is issued. According to learned Standing Counsel, shed is also included in the definition of building and as such permission is required. Learned Counsel for petitioner also could not bring any infirmity in the notice issued under Section 636 of the Act, since the said notice is preceded by notices under Section 452(1) and 461(1) of the Act.

In view of the above, I do not see any infirmity in the impugned notices.

Accordingly, the writ petition is disposed of and it is open for the petitioner to comply with the short falls pointed out by the respondents for grant of building permission within six months and on such compliance of the shortfalls, the respondents shall consider the application of the petitioner for building permission, in accordance with law. Till then compound wall constructed shall not be demolished and petitioner shall not make further construction. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

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**A.RAJASHEKER REDDY, J**

28.11.2019  
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