

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39420 of 2015

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04.12.2015

Between:

Syed Khaleel

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Syed Moosa Kazeem

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for respondent Nos.2 and 3: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.3 in refusing to receive and process the petitioner's application for permission to construct building in schedule premises bearing No.22-3-947/34/1 at Purani Haveli, Hyderabad, over an extent of 112 sq. yds. of land without Town Survey and Land Records (TSLR) and No Objection Certificate (NOC) from the Tahsildar or the Revenue Department as illegal and arbitrary.

In his affidavit filed in support of the writ petition, the petitioner has pleaded that when he sought to make an application for grant of building permission, respondent No.3 has refused to receive the same on the ground that he should produce TSLR and NOC from the Revenue Department.

At the hearing, when this Court queried whether the petitioner has any proof of refusal of his application by respondent No.3, the learned counsel representing him has replied in the negative.

In my opinion, this Court will not entertain a writ petition merely on the *ipse dixit* of a party, unless the same is supported by *prima facie* evidence. If respondent No.3 has refused to receive the petitioner's application, the latter is expected to send the same through post or at least, issue a notice to respondent No.3 calling upon him to receive the application. As the petitioner has failed to follow this procedure, I am not inclined to entertain this writ petition at this stage.

The Writ Petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.50847 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

04th December, 2015
GHN

C.V.NAGARJUNA REDDY, J