

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WEDNESDAY, THE TENTH DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.15773 of 2015

Between:

Mrs. Asfiya Khaleel, W/o. Mr. Ayaz Mohammed Khan,
D/o. Late Mohd. Khalleel Ur-Rahman,
Aged about 45 years,
Occ: House Wife,
R/o. H.No.9-2-446, Langer House,
Hyderabad, Telangana.

.. Petitioner

AND

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

.. Respondents

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The petitioner claims to be the owner and in possession of House property bearing Municipal No.9-2-485/5/1, admeasuring 148.5 square yards, situated at Langer House, Hyderabad. The petitioner intend to undertake

construction of pucca building, but the respondent authorities are insisting for production of 'No Objection Certificate' from the Tahsildar and T.S.L.R. Certificate. Alleging that such action of the respondent authorities is illegal, this writ petition is instituted.

2. As seen from the averments filed in support of the writ petition and the material papers enclosed, there is no proof of filing an application before the competent authority of the Greater Hyderabad Municipal Corporation seeking permission for undertaking construction of the building. Writ petition being an extraordinary remedy, it can be availed only if the competent authority fail to exercise the statutory responsibilities and causes hardship and inconvenience to the citizen by inordinate delay in processing any request or not acting upon the request for a long time or acting upon a request and rejecting it for reasons which are not legal and valid. In the instant case, no application for construction of building is filed. Whether the claim of the petitioner for undertaking construction is valid or not has to be first considered by the competent authority and if the competent authority rejects such request, it is open to the petitioner to avail appropriate legal remedies. Thus, it is premature on the part of the petitioner to contend that the respondent authorities are not accepting the building application on the ground that she does not have 'No Objection Certificate' from the Tahsildar and T.S.L.R. Certificate is not valid. It is open to the petitioner to submit such an application and as and when such application is submitted and if the authorities fail to consider such request of the petitioner for grant of the building permission, it is open to the petitioner to work out her remedies as available in law.

3. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 10th June, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 10th June, 2015

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