

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

**Writ Petition No.38929 of 2015**

**Dated 01.12.2015**

**Between:**

M/s.Krusha Infra India Pvt. Ltd.

rep. by its Managing Director

Ch.Krishna Reddy

**... Petitioner**

**and**

-

State of Telangana

rep. by its Prl.Secretary

Panchayat Raj Dept.,

Hyderabad and 5 others.

**...Respondents**

**Counsel for the petitioner: Mr.P.Sasidhar Reddy**

**Counsel for respondent Nos.1, 2 & 3: AGP for Panchayat Raj (TS)**

**The Court made the following:**

**Order:**

The notices issued by respondent No.5 for removal of Hot Mix Plant over an extent of Acs.9-00 cents in Survey Nos.168 and 169 of Taramathipet Village, Hayathnagar Mandal, Ranga Reddy District, are questioned in this Writ Petition.

At the hearing Mr.P.Sasidhar Reddy, learned Counsel for the petitioner, submitted that though the applications made by his client before respondent Nos.4 and 5 for grant of No Objection Certificate (NOC) are pending, respondent No.5 has issued the impugned notices.

The learned Standing Counsel for Panchayat Raj Institutions (TS) appearing for respondent No.5 submitted that respondent No.6 has filed a Writ Petition, questioning the action of respondent No.5 in not preventing the petitioner from establishing and running the Hot Mix Plant over the land in respect of which he is claiming protective tenancy rights; that an interim order was passed therein by this Court directing respondent No.5 to take appropriate action in accordance with law; and that in pursuance thereof, the impugned notices have been issued. He has further submitted that even if the petitioner has made an application for NOC to respondent No.5, the latter is not the competent authority and that it is respondent No.4, who is the competent authority to grant the same in respect of the properties, whose extent is above 1000 square yards, and also for carrying on commercial activities.

The learned Counsel for the petitioner invited this Court's attention to application, dated 30-10-2015, submitted by his client to respondent No.4, a perusal of which shows that it contains the office seal of respondent No.4 and bears the date '02-11-2015'.

Mr.Y.Rama Rao, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA), submitted that the application filed by the petitioner is pending.

As respondent No.4 is stated to be the competent authority for grant of NOC, the said respondent is directed to dispose of the petitioner's application within one week from the date of receipt of this order and communicate the same to him. Meanwhile, respondent No.5 is restrained from taking coercive steps in pursuance of the impugned notices. It is made clear that respondent No.5 shall be free to take appropriate action subject to the outcome of the petitioner's application made to respondent No.4.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.50166 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

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**(C.V.Nagarjuna Reddy, J)**

**Dt: 1<sup>st</sup> December, 2015**

**LUR**