

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18113 of 2011

ORDER:

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Heard learned counsel for the petitioner, Government Pleader for Revenue and learned Standing Counsel appearing for the fourth respondent-G.H.M.C. With the consent of all the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the endorsement No.E1/9964/2-010, dated 10.01.2011 of the third respondent, in rejecting the No Objection Certificate in respect of the petitioner's residential building situated in premises No.6-1-155/1 and 2, Padmarao Nagar, Secunderabad, as arbitrary, illegal and violative of principles of natural justice.

Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to the respondents to consider his application dated 02.12.2010 in accordance with the circular dated 19.08.2015 issued by the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

It is to be noted that the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad issued a Circular No.245/TPS/GHMC/HO/2014, dated 19.08.2015, the relevant portion of the said circular which reads as under:

“The Commissioner shall not insist for production of No Objection Certificate (NOC) from the Revenue Department and shall consider the objections if any made by the Revenue Authorities on behalf of the Government. However, for *prima facie* satisfaction, the

Commissioner can require production of further particulars and details including extract of relevant entries in Revenue/TSLR/Municipal Records etc., for his *prima facie* satisfaction of title and legal possession of applicant, but application for grant of permission cannot be rejected solely on the basis of entries in Revenue/TSLR/Municipal Records. The Commissioner has to assess all the documents submitted before him for his *prima facie* satisfaction of title and legal possession for approval of building permit.”

A reading of the said circular would show that the Commissioner shall not insist for production of “No Objection Certificate” but shall consider the objections raised by the Revenue Department on behalf of the Government. The circular also gives all the authority to the Commissioner to assess all the documents for his *prima facie* satisfaction of title and possession. Therefore, if any application is made seeking permission for construction of houses etc., the authorities shall deal with the same in terms of Circular No. 245/TPS/GHMC/HO/ 2014, dated 19.08.2015, without insisting for “No objection Certificate”.

The averments in the affidavit filed in support of the writ petition would show that the petitioner made an application for issuance of “No objection Certificate”, which was rejected on 10.01.2011 basing on G.O.Ms.No.2111, Revenue (Assn.III) Department, dated 05.12.2005 and G.O.Ms.No.93, Revenue (Assn.III) Department, dated 28.01.2006 and consequently directed the fifth respondent not to accord building permission in favour of the petitioner. But having regard to the Circular No.245/TPS/GHMC/HO/2014, dated 19.08.2015 issued by the Commissioner, G.H.M.C., Hyderabad, the fifth respondent is directed to consider the building plan application in terms of the said circular without insisting for “No objection Certificate”.

With the above direction, the writ petition is disposed of. No

order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.01.2016

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