

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.18388 of 2016

ORDER:

Heard the learned counsel for the petitioners and Sri N.Anil Kumar, learned counsel for respondent Nos.2 and 3.

2. Petitioners have assailed proceedings dt.28-04-2016 of 3rd respondent under which 3rd respondent had returned petitioner's building application dt.18-04-2016 giving following three reasons:

"1. You have not submitted any Link Documents.

2. You have not submitted previous sanction plan or NOC from the Joint Collector, Hyderabad and

3. You have not shown the Road Widening affected portion in submitted Building Plans as per Para No.4 (b) of G.O.Ms.No.168 MA dt.07-04-2012 and amended G.OMs.No.7, MA dt.05-01-2016."

3. As regards reason one is concerned, petitioners state that they would submit link documents.

4. As regards reason two is concerned, petitioners state that the respondents cannot insist on NOC from the Joint Collector, Hyderabad, in view of the judgment in **Hyderabad Potteries Private Limited v. Collector, Hyderabad District & another**^[1]. In view of

the said decision, I agree with the petitioners' contention that respondents cannot insist on NOC from Joint Collector, Hyderabad.

5. As regards reason three is concerned, learned counsel for the petitioners contends that the petitioners will examine legal position and respond appropriately to it at the time of submission of the link documents to the 3rd respondent.

6. Therefore, the petitioners are directed to resubmit building application made by them along with link documents and their response in writing to the request for surrender of the road widening affected portion; and the 3rd respondent will receive the same without insisting for NOC from the Joint Collector, Hyderabad, and consider the petitioners' representation and the link documents submitted by them and communicate his decision thereon to the petitioners within six weeks from the date of submission of the link documents and the response of the petitioners.

7. Accordingly, the Writ Petition is disposed of. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-07-2016

KVR

[\[1\]](#) 2001(3) ALT 200