

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.31416 of 2016

ORDER:

Heard the learned counsel for the petitioner. Learned Government Pleader for Home takes notice for respondents.

2. Petitioner has assailed order dt.21-08-2016 of 2nd respondent rejecting petitioner's application for No Objection Certification (NOC) for occupancy of the structure which was built by the petitioner for shopping complex and for movie theatres.

3. The sole ground on which it has been rejected is that before making construction, the petitioner has not obtained a provisional NOC from the respondent Nos.2. It is not in dispute that under sub rule (4) of Rule 19 of the AP Fire and Emergency Operations and Levy of Fee Rules, 2006, the 2nd respondent is bound to provide a hearing to the petitioner before passing the order refusing to grant the NOC.

4. Admittedly no such hearing has been given to the petitioner. Therefore, the impugned order dt.21-08-2016 passed by 2nd respondent is set aside and the matter is remitted back to the 2nd respondent to consider petitioner's application for issuance of an NOC keeping in mind Section 30 of the said Act. This exercise shall be completed by 2nd respondent within four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed as above. No costs.
6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 21-09-2016
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