

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42670 of 2016

Date: 27.12.2016

Between:

Mohd. Jalal Athemadnia, s/o. late Haji Safar Ali,
Aged about 46 years, Occu: Business,
R/o.H.No.10-2-2 & 2/1, Flat No.C 402, 4th Floor,
Nafees Residency, A.C.Guard, Hyderabad and others,
rep.by their GPA Holder Sri Mohd.Jamal Athemadnia.

.....Petitioners

and

Greater Hyderabad Municipal Corporation, rep.by its
Commissioner, Tank Bund, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners applied for building permission for construction of commercial building consisting of Cellar, Stilt for parking, Ground + 3 upper floors in the property bearing House Nos.5-9-73 and 74 in Chapal Road, Abids, Hyderabad. The said building application was processed and Building Committee considered the application. By letter dated 15.03.2016, petitioner was directed to remit the amount mentioned therein and petitioner was also directed to submit the particulars/comply with the following conditions mentioned therein. Eighteen conditions are mentioned for compliance. Petitioners instituted this writ petition alleging that the authorities of the Municipal Corporation are insisting for obtaining No Objection Certificate (NOC) from the Revenue authorities as a condition precedent for final approval and for granting building permission.

2. Learned counsel for petitioners specifically referred to item no.15 of the impugned letter to contend that obtaining of remarks from the District Collector would mean that they must obtain NOC from the Revenue authorities. Learned counsel further submits that no such permission is required for processing the building permission application.

3. Counter affidavit is filed on behalf of the respondents 1 and 2. In paragraph-5 of the counter affidavit, the GHMC categorically asserted that GHMC is not insisting the applicant to submit NOC from the Revenue Department.

4. Learned counsel for petitioners fairly submits that in view of this undertaking, the issue of obtaining NOC from the Revenue authorities is no more required. In view of the same, the competent authorities of GHMC are directed to process the building permission application of the petitioners subject to petitioners fulfilling all other requirements as mentioned in the letter dated 15.03.2016, if not already complied with.

5. Writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 27.12.2016
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