

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 20963 of 2016

ORDER :

Heard the learned counsel for the petitioner and Sri Pasham Krishna Reddy, learned Standing Counsel appearing for respondents 2 and 3. At the request of both the counsel, the Writ Petition itself is taken up for disposal at the stage of admission.

2. The present Writ Petition came to be filed with the following prayer:

“... to issue an appropriate Writ more particularly one in the nature of **Writ of Mandamus** declaring the action of the respondents in insisting for production of Town Survey and Land Record Certificate and No Objection certificate for receiving and process application for building permission to an extent of 210.5 square yards in premises No.16-6-695, Chaderghat, Hyderabad, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to receive and process the application for building permission without insisting for Town Survey Land Record Certificate and No Objection Certificate and to pass...”

3. The averments in the affidavit filed in support of the Writ Petition would go to show that petitioner and his brother Kashif Ali Khan purchased House admeasuring 421 square yards bearing Municipal No.16-6-05 situated

at Chaderghat, Hyderabad through registered sale deed bearing document No.3172 of 2003 from M.A.Rasheed and his wife, and the vendors purchased the said property under registered sale deed dated 16.09.1991 bearing document No.1602 of 1991, and thereafter, the petitioner got 210.5 square yards of land in a partition between the brothers vide document No.2907 of 2016, dated 07.06.2016. It is his grievance that when he approached licensed architect to upload his application dated 16.06.2016 for permission for construction of a building in the said 210.5 square yards of land, the authorities are insisting for production of Town Survey and Land Record Certificate and No Objection Certificate from revenue officials.

4. The issue that falls for consideration in this Writ Petition is whether production of Town Survey and Land Record Certificate and No Objection Certificate from revenue officials is necessary for receiving and processing an application for permission for construction of a building. The said issue is no longer *res integra*. In *Hyderabad Potteries Private Limited v. Collector, Hyderabad*, this court has held that a local authority has no competence to insist on production of Town Survey and Land Record Certificate and No Objection Certificate from revenue officials as a pre-condition for processing

and considering an application seeking permission for construction of a building. Following the said judgments, the application of the petitioner for permission for construction of a building, if submitted before the competent authority, shall be received and processed in accordance with law, if it is otherwise in order, without insisting on production of Town Survey and Land Record Certificate and No Objection Certificate from revenue officials.

5. The Writ Petition is disposed of with the aforesaid direction. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

30.06.2016

DRK

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.20963 of 2016

30.06.2016