

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.1091 of 2016

-
18.01.2016

Between:

K.Nageshwar

.. Petitioner

and

The Greater Hyderabad Municipal Corporation (GHMC),
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.V.M.M.Chary

Counsel for the respondents: --

-
The Court made the following:

-

-

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed for a *mandamus* to set aside intimation/letter No.52489/C9/CZ/GHMC/2015, dated 14.12.2015, of respondent No.3, whereby he has rejected the building plan submitted by the petitioner for approval on the following ground:

“you have not submitted the previous sanctioned plan/NOC from the Collector’s office and latest property tax etc.”

As regards non-submission of No Objection Certificate (NOC) from the Collector’s office, the learned counsel representing Mr.P.Kesava Rao, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for the respondents, has fairly submitted that this issue is no longer *res judicata* in view of the judgments of this Court in **Hyderabad Potteries Private Limited V. Collector, Hyderabad**^[1], **District Collector V. N.Krishna Mohan**^[2] and **K.Pawan Raj vs. Municipal Corporation**^[3], wherein this Court, in unequivocal terms, has held that respondent No.1 cannot insist on production of NOC from the Revenue Department for the limited purpose of granting building permissions. As regards the insistence on production of the previous sanctioned plan and the latest property tax, Mr.V.M.M.Chary, learned counsel for the petitioner, has fairly conceded that the respondents are entitled to make such insistence. He has further submitted that his client will make an appropriate representation to the respondents with respect to these two aspects.

In the light of the above discussion, the impugned intimation of respondent No.3 to the extent of insistence on production of NOC from the Collector’s office is declared as illegal. The petitioner is permitted to re-submit his application for building permission. As regards the requirement of submission of the previous sanctioned plan and the latest property tax, the petitioner shall be free to make an appropriate

representation to respondent No.3, upon which, the latter shall take an appropriate decision in accordance with law.

The Writ Petition is accordingly allowed to the extent indicated above.

As a sequel to allowing the writ petition, W.P.M.P.No.1347 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

18th January, 2016
GHN

[\[1\]](#) 2001(3) ALT 200
[\[2\]](#) 2000(3) ALT 225
[\[3\]](#) 2008 (1) ALD 792