

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 13008 of 2016

ORDER:

Heard Ms.Anita, learned counsel representing Sri Mohd. Moin Ahmed Quadri, learned counsel for the petitioners, and Ms.Kanya Kumari, learned counsel representing Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

2. The prayer of the petitioners in this case is as under:

“That this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not receiving the building application along with requisite fees, relevant documents from the petitioners made for issuance of construction permission of boundary wall/building and further insisting them for getting No Objection Certificate/T.S.L.R., from the revenue authorities in respect of plot bearing Nos.1-58 & 1-59 under sy.no.222/B total admeasuring 1190 sq. yards or equivalent to 999.60 sq. meters, situated at Madinaguda Village, Serilingampally Mandal, Ranga Reddy District, as illegal, arbitrary, unjust and in violation of principles of natural justice and against the provisions of the Hyderabad Municipal Corporation Act, 1955, and Rules and Regulations made thereunder, and consequently direct the respondents to accord permission to the petitioners for construction of boundary wall/watchman room in the subject property, strictly in accordance with law, without insisting the petitioners for production of No Objection Certificate/T.S.L.R., from the revenue authorities, and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

3. It is fairly conceded by the learned Standing Counsel for the respondent-Greater Hyderabad Municipal Corporation that the

issue is squarely covered by the orders of this Court in earlier Writ Petitions.

A copy of the order dated 11.06.2010 in W.P.No.13167 of 2010 is placed before the Court and reflects that following its earlier judgment in **Hyderabad Potteries Private Limited v. Collector, Hyderabad**^[1], this Court held that the local authority could not insist on production of T.S.L.R. Certificate or No Objection Certificate from the revenue authorities as a condition precedent for receiving and processing a building application.

4. For reasons alike, this Writ Petition is disposed of directing the respondents to receive and process the application of the petitioners for construction of boundary wall/watchman room in respect of the plot bearing Nos.1-58 & 1-59 under sy.no.222/B total admeasuring 1190 sq. yards or equivalent to 999.60 sq. meters situated at Madinaguda Village, Serilingbampally Mandal, Ranga Reddy District, without insisting on production of T.S.L.R. Certificate and No Objection Certificate from the revenue authorities. The respondent-Greater Hyderabad Municipal Corporation shall ensure that the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, the Rules and the building bye-laws made thereunder are adhered to while considering the petitioners' application for grant of building permission.

The Writ Petition is disposed of accordingly at the stage of admission. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

April 19, 2016

Lmv

[\[1\]](#) 2001(3) ALD 600