

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14735 OF 2016

ORDER:

Heard Sri M. Satish Kumar, learned counsel for the petitioner, and Sri P. Keshava Rao, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed 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 insisting production of a No Objection Certificate from revenue authorities, as a condition precedent for receiving and considering the application of Petitioner seeking Building Permission in respect of House Property bearing No. 3-5-266, Vittalwadi, Narayanguda, Hyderabad, as illegal, arbitrary, high handed, without authority of law, discriminatory and void, being in derogation of Art. 14 and 300 A of the Constitution of India, and consequently direct the Respondents to receive and consider the application of the Petitioner seeking Building Permission in respect of House Property bearing No. 3-5-266, Vittalwadi, Narayanguda, Hyderabad, in accordance with law, without insisting upon production of No Objection Certificate from revenue authorities; and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

It is a settled legal position that the municipal authorities cannot insist upon production of a ‘No Objection Certificate’ from the revenue authorities as a condition precedent to process a building permission application.

The writ petition is accordingly disposed of directing the Greater Hyderabad Municipal Corporation to receive and process the petitioner’s application for building permission on its own merit and in accordance with the Greater Hyderabad Municipal Corporation Act, 1955, and the Rules and Regulations made thereunder, without

insisting upon certification from the revenue authorities that they had no objection to such construction.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

27th April, 2016
IBL/PGS