

-HON' BLE SRI JUSTICE SURESH KUMAR KAIT

Writ Petition No.32468 of 2016

ORDER:

Vide present writ petition, the petitioner seeks a direction, thereby directing the 1st respondent to consider the building permission application made by the petitioner in respect of Plot No.28 of Santosh Cooperative House Society, Marredpally, without insisting the NOC from the Airport Authority of India and Tahsildar, Mahendra Hills, Secunderabad.

2. Learned counsel for the petitioner has drawn the attention of this court to the order dated 22.01.2014 passed by this court in WP No.1202 of 2014, whereby the first respondent was directed to consider the application of the petitioners therein for grant of permission to undertake construction of single floor building without insisting for no objection certificate from the Airport authority of India and Tahsildar, Marredpally, Secunderabad. In the said aforesaid petition, the petitioners have purchased Plot No.10, admeasuring 395.21 sq. meters equivalent to 459.55 sq. yards in Balamrai Co-operative Housing Society, East Marredpally, Secunderabad. When the petitioners therein intended to undertake construction of a house in the said plot, they submitted an application dated 11.03.2013 to the first respondent.

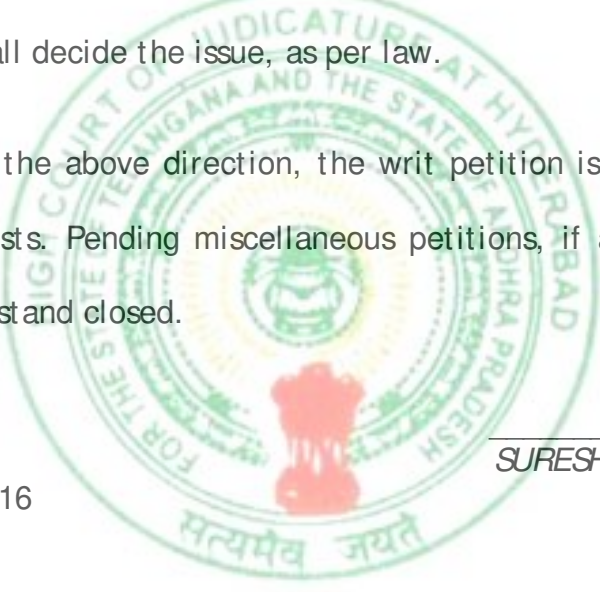
3. Learned counsel for the petitioner submits that in the aforesaid writ petition, this court directed the 1st respondent not to insist to produce a no objection certificate from the Airports Authority and from the Revenue Authorities for construction of a single ground floor. He further submits that the petitioner herein also intend to construct ground floor only in his plot.

4. In view of the facts recorded above, the clauses (b) and (c) in the impugned order dated 30.08.2014 are contrary to the directions given by this court vide the order dated 22.01.2014 in WP No.1202 of 2014. Thus, the said impugned order is liable to be quashed to that extent.

5. Accordingly, I hereby direct the 1st respondent not to insist upon clauses (b) and (c) as mentioned in the impugned letter dated 30.08.2014. Consequently, the petitioner is directed to submit the documents as mentioned in clauses (a) and (d) of the impugned letter dated 30.08.2014. On receipt of the said documents, the first respondent shall decide the issue, as per law.

6. With the above direction, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed.

Date: 23.09.2016
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SURESH KUMAR KAIT, J

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Date: 23.09.2016

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