

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 12725 of 2016

ORDER:

Heard Sri Durga Nageswara Rao, learned counsel for the petitioner and Sri Chatla Madhu, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“The Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent herein in asking for the “No Objection Certificate” from the 3rd respondent in respect of property bearing No.12-11-267 (old No.12-10-579/28/1) admeasuring 284 sq. yards situated at Warasiguda, SEcunderabad as illegal, arbitrary, unjust, against the principles of natural justice and in violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the 2nd respondent to grant permission to the petitioner for construction of the house bearing No.12-11-267 (old No.12-10-579/28/1) admeasuring 284 sq.yards situated at Warasiguda, Secunderabad in the interest of justice and pass such other order or orders as deemed fit and proper in the circumstances.”

3. Learned counsel appearing on both sides fairly stated that the issue arising in this writ petition fell for consideration before this Court on earlier occasions. A copy of the order dated 18.12.2014 passed by this Court in W.P.No.38883 of 2014 is placed on record.

4. Perusal thereof reflects that following the earlier judgments in **Hyderabad Potteries Private Limited v. Collector, Hyderabad**^[1], and W.P.No.32363 of 2011, the writ petition, which was filed on similar lines, was disposed of directing the Greater Hyderabad Municipal Corporation to take an appropriate decision

on the application made by the petitioner seeking permission to construct a building in accordance with the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and the Building Rules and Regulations made thereunder without insisting on production of a No Objection Certificate from the revenue authorities.

5. For reasons alike, this Writ Petition is disposed of directing the respondents to receive and process the application of the petitioner for construction of the house bearing No.12-11-267 (old No.12-10-579/28/1) admeasuring 284 sq. yards situated at Warasiguda, Secuncerabad, 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 petitioner's application for grant of building permission.

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