

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.1776 of 2016

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Date: 22.01.2016

Between:

Pothula Anil Kumar

.. Petitioner

and

The State of Telangana
rep. by its Principal Secretary
Municipal Administration Dept.,
Hyderabad and another

.. Respondents

Counsel for the petitioner : Mr.M.A.Basith

**Counsel for respondent No.1: GP for Municipal
Administration (TS)**

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.2, in not receiving the petitioner's application for building permission in respect of his property admeasuring 254 square yards bearing Municipal No.6-3-788/26, situated at Sree Ganesha Nagar, Ameerpet, Hyderabad, on the ground that the same is not accompanied by 'No Objection Certificate' (NOC) from the revenue authorities, as illegal and arbitrary.

In support of his plea that respondent No.2 has not received the application for building permission, the petitioner has filed a copy of representation, dated 16.12.2015.

In a catena of decisions, this Court has held that for the purpose of considering an application for grant of building permission, respondent No.2 cannot insist on production of NOC from the revenue authorities (See **Hyderabad Potteries Private Limited vs. Collector, Hyderabad District & another**^[1] and **Sri K.Pavan Raj Vs. The Municipal Corporation of Hyderabad**^[2]).

The learned Counsel representing Mr.P.Kesava Rao, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC), has not disputed the above legal position.

In view of the above, respondent No.2 is directed to receive the petitioner's application for building permission without insisting on NOC from the Revenue or other Departments and consider the same within the parameters of the provisions of the GHMC Act, 1955, and the Rules made thereunder.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.2248 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 22nd January, 2016
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[\[1\]](#) 2001(3) ALT 200

[\[2\]](#) 2008 (1) ALD 792