

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.36709 of 2016

ORDER:

The Writ Petition is filed questioning the proceedings dated 13.07.2016, issued by the 3rd respondent-City Planner, GHMC, rejecting the LRS application dated 20.02.2016 submitted by the petitioner.

It is the case of the petitioner that on being informed that the LRS application submitted by him has been rejected, the petitioner sought information under Right to Information Act, for the detailed reason. Thereafter, the 3rd respondent by proceedings dated 13.07.2016, had informed that the LRS application of the petitioner has been rejected on account of the fact that in the Government portal, the Survey No.126 of Lalaguda, Secunderabad, is recorded as 'Government land' and unless the petitioner submits NOC/TSLR from the District Collector, Hyderabad, the application of the petitioner for LRS cannot be processed. Hence this writ petition.

As can be seen from the material on record it is clear that the petitioner having purchased the subject land, which was declared as surplus land under the Urban Land Ceiling Act, 1976, had approached the 1st respondent by making an application to seek the benefit of the scheme notified under G.O.Ms.No.455, dated 29.07.2002. The petitioner's application came to be processed and on payment of necessary fee got regularized the land purchased by the petitioner vide G.O.Ms.No.760, dated 26.06.2016. Thereafter, petitioner approached the respondent authorities to avail the Layout Regularization Scheme, notified by the Government under G.O.Ms.No.151 dated 02.11.2015, by paying necessary Layout Regularization fee. However, the same has been rejected only on the

ground that in the Government Portal the Sy.No.126 of Lallaguda, Secunderabad, has been shown as Government land and petitioner was directed to obtain NOC/TSLR from the District Collector, Hyderabad. It may be noted that this Court in large number of cases by following the Judgment of the Division Bench in **District Collector, Hyderabad and Another v. N. Krishna Mohan and others**¹, had categorically held that for the purpose of sanctioning of the building permissions, the respondent corporation cannot insist for production of NOC/TSLR certificates. This issue is no longer res integra and what is applicable with respect to the sanction of building plans would equally apply with respect to the Land Regularization Scheme also.

In the circumstances, writ petition is allowed setting aside the rejection letter dated 28.05.2016, as informed through letter dated 13.07.2015, with a further direction to the 2nd respondent to process the application of the petitioner without insisting for NOC/TSLR certificate. It is also open for the petitioner to make a fresh application and if the respondent authorities require any further documents, petitioner may be put on notice, which shall be made good by the petitioner. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 20.03.2017
Ssv

¹ 2000 (4) ALD 126 (DB)