

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.26568 of 2017

ORDER:

In this writ petition, the grievance of the petitioners is that their building permission applications are not processed by insisting upon production of No Objection Certificates from the 3rd respondent, Revenue Divisional Officer, Malkajgiri, under the provisions of the Telangana Land (Conversion for Non-Agricultural Purposes) Act, 2006.

2. Heard *Sri A.P.Reddy*, learned counsel appearing for the petitioners, and *Sri V.Narasimha Goud*, learned Standing Counsel for the 2nd respondent/ HMDA. I have perused the material record.

3. Learned counsel appearing for the petitioners would submit as follows: 'The predecessors of the petitioners made an application to the Gram Panchayat for grant of lay out and the same was sanctioned by the Gram Panchayat. Subsequently, the plots have been purchased by the petitioners. Thus, the petitioners became the owners of various plots in Sy.Nos.146 Part, 147, 148, 155, 156 Part, 157, 161 and 180A of Bachupalli village, Quthbullapur Mandal, Ranga Reddy District. Therefore, the owners of the individual plots are entitled to obtain building permission by approaching the concerned authority for permission for construction. As per Section 58 of the AP Urban Areas (Development) Act, 1975, Section 585 of the Hyderabad Municipal Corporation Act, 1975, Section 44(2)(v) of the AP Town Planning Act and Section 326(1) of the A.P. Municipalities Act, 1975, and the rules under the Andhra Pradesh Regulation of Unapproved and Illegal Layout Rules, 2007, which came into force on 31.12.2007, the respondents are not entitled to insist upon

production of 'No Objection Certificate' from the 3rd respondent.
Hence, the writ petition is filed.'

4. Learned Standing Counsel submits that the petitioners did not produce any document, whereby, they were insisted upon for production of the No Objection Certificate from the 3rd respondent. He would submit that no applications are filed by the petitioners seeking permissions for making constructions in their respective plots; but they have only paid the requisite fee.

5. Recording the submissions, the Writ Petition is disposed of directing the petitioners 1 and 2 to file fresh applications for building permission, as per the procedure, along with the required documents within two weeks from the date of receipt of copy of this order. The 2nd respondent is directed to consider and process the applications submitted by the petitioners and pass appropriate orders in strict accordance with the procedure established by law within three weeks from the date of receipt of the said applications and communicate the decision taken thereon to the petitioners within one week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

16th November, 2017
RAR

M. SEETHARAMA MURTI, J

