

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 1680 OF 2017

ORDER:

The petitioners state that they purchased various extents of land totally admeasuring Ac.2-16¼ guntas situated in Survey Nos.51, 52, 54 and 61 of Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District under five registered sale deeds. They entered into an agreement among themselves for apportioning the constructed area and got prepared a common plan so as to raise a mutli storeyed building. They obtained a Feasibility Certificate from the Hyderabad Metropolitan Water Supply and Sewerage Board on 06.05.2016, Soil Testing Certificate, No Objection Certificate from Airport Authority of India dated 11.04.2016 and Clearance Certificate from the Environment Department on 20.06.2016. They applied to the second respondent for issuance of No Objection Certificate on 05.05.2016 in order to submit the plans to the GHMC for its approval. The petitioners also paid the requisite amount to the second respondent. However, the second respondent returned the plan by impugned proceedings dated 10.06.2016 pointing out certain deficiencies by invoking R.7(c) of G.O.Ms.No.168, Municipal Administration and Urban Development (M) Department dated 07.04.2012.

2. In paragraph No.2 of the impugned order R.7(c) was quoted but it was stated in the table that the open space deficit was two metres, when there was no such requirement in respect of Pyramidal Type Building. The details of proposed construction was indicated in paragraph 3 thereof. The tabular statement made in paragraph No.2

is not in consonance with R.7(c). In those circumstances, when the petitioners were unable to understand the rectification of the alleged deficiencies, they filed the present writ petition.

3. R.7(a)(vi) provides for obtaining a prior No Objection Certificate (NOC) from the Andhra Pradesh State Disasters Response & Fire Services Department and does not give any guidance with regard to the parameters that have to be observed by the said department and when it is read along with R.7(c), the learned counsel for the petitioners submits that they have complied with R.7(c) as the proposed structure was a pyramidal structure and the minimum 9 metres open space was left.

4. Since this Court is satisfied that there was misunderstanding of the application of the provisions in the instant case, the impugned order is treated as a notice to the petitioners and in the circumstances, petitioners are given liberty to submit their explanation bringing out to the notice of the second respondent the relevant provisions of the Rules and their compliance in the instant case. The second respondent is directed to consider the same and take appropriate action in accordance with law within a period of two weeks from the date of receipt of explanation.

The Writ Petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A. RAMALINGESWARA RAO

January 18, 2017
LMV