

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.27567 OF 2007

ORDER:

This writ petition is filed, seeking to declare the action of the first respondent in refusing to issue No Objection Certificate (hereinafter referred to as "NOC") to the petitioner for obtaining a construction permit from respondent No.3 in an extent of 1000 Sq.Meters, situated in T.S.No.17/1, Ward No.36, Block No.I, corresponding to premises bearing No.10-5-1, situated at Masab Tank, Hyderabad and also the Endorsement dated 19.11.2007 in proceedings No.N1/2496/2007 of respondent No.1 as illegal.

2. Sri Pavan Reddy, learned Assistant Government Pleader for Revenue submits that the petitioner is claimed to have owner of the subject land on the strength of the gift deed and he filed an application before the 3rd respondent for permission to construct a house, upon which, the petitioner was directed to obtain NOC from the Collector, Hyderabad and that the petitioner filed an application dated 24.04.2007 before the first respondent for grant of NOC., but the said application was rejected by the committee constituted for grant of NOC, in its meeting held on 16-07-2007 and the Joint Collector, Hyderabad informed the 3rd respondent vide his endorsement dated 19.11.2007 that NOC for construction of a house on the subject land cannot be granted as the said land is classified as Government land (G-Cantonment Non ISF land). He further argued that the gift deed, which is relied by the petitioner, is nonest in the eye of law as the gift is not recognized under Mohammadan law.

3. In view of the disputed question of facts with regard to the title, the petitioner cannot seek any relief and cannot challenge the action of the respondents under Article 226 of the constitution of India. I see force in the argument of Sri Pavan Reddy, learned Assistant Government Pleader for Revenue and in the light of the above argument; this writ petition is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

Date: 17-09-2018
Shr

T.AMARNATH GOUD,J

