

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13280 of 2009

O R D E R:

This writ petition is filed for the following relief:

“to issue a writ, one in the nature of a Writ of Mandamus or any other appropriate Writ, direction or order declaring the action of the respondents in issuing Lr.No. LRS/13411/C10,CZ/TPS/HO/GHMC/2008, dated 27.06.2009 demanding the petitioner to produce No Objection Certificate and Urban Land Ceiling Clearance from the competent authority for consideration of petitioner's LRS application, dated 11.06.2009, as illegal, arbitrary and contrary to law and set aside the same, and consequently direct the respondent to consider the LRS application of the petitioner, dated 11.06.2009 in terms of G.O.Ms.No.902, Municipal Administration Department, dated 31.12.2007 without insisting on No Objection Certificate/Urban Land Ceiling Clearance Certificate from the competent authority...”

On 06.07.2009, this Court ordered notice to the respondents. Thereafter, the matter underwent several adjournments and finally, a counter-affidavit came to be filed on 21.07.2009 by the Corporation. On 06.08.2012, this Court passed an order in W.P.M.P.No.17243 of 2009 directing the respondents to consider the application, dated 10.06.2009, submitted by the petitioner, within a period of four weeks from the date of receipt of the order.

The main relief in the writ petition is to declare the action of the respondents in issuing the impugned letter demanding the petitioner to produce 'No Objection Certificate' and Urban Land Ceiling Clearance from the competent authority for consideration

of his application, dated 11.06.2009, in terms of G.O.Ms.No.902, dated 31.12.2007, as illegal and arbitrary.

It may be noted that this Court vide order, dated 06.08.2012 directed the respondents to dispose of the application filed by the petitioner within four weeks but either of the learned counsel is unable to clarify before this Court whether the said application has been considered and necessary orders have been passed. It may also be noted that the Urban Land (Ceiling and Regulation) Act came to be repealed on 29.03.2008, as a result of which, if the lands of those persons have not been taken over by the State as on that date, no further action can be taken. The very fact that the petitioner filed an application on 11.06.2009 seeking LRS and he had paid a sum of Rs.36,80,000/- as stated in the affidavit, which assertion is not denied in the counter-affidavit, *prima facie* supports the case of the petitioner that he is in possession of the land and thus, he would have entitled to the benefit of the Repeal Act.

In those circumstances, the writ petition is allowed and the order, dated 06.08.2012 passed in WPMP.No.17243 of 2009 shall be treated as the final order.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:13.07.2018

kdl