

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.23118 of 2018

ORDER:

Heard learned counsel for the petitioner and Sri L.Venkateswara Rao, learned Standing Counsel for GHMC, apart from perusing the material on record.

It is submitted by the learned counsel for the petitioner that, for processing the building application of the petitioner herein, submitted on 28.01.2018, in respect of the premises bearing No.1-8-27/1 to 7 & 1-8-27/4/1 admeasuring 811 sq.yards situated at Chikkadpally main road, Hyderabad, the respondent-GHMC authorities are insisting on production of 'No Objection Certificate' from the revenue authorities. It is further submitted that the said action, on the part of the respondent-GHMC authorities, is contrary to the principle laid down by this Court in **HYDERABAD POTTERIES PRIVATE LIMITED v. COLLECTOR, HYDERABAD DISTRICT AND ANOTHER¹** and the same is not disputed by the learned Standing Counsel. Paragraph No.41 of the said judgment reads as under:

“A bare reading of scheme of the A.P. Survey and Boundaries Act, 1923 would make it clear that the survey made under the said Act is mainly intended for the purposes of identification of the lands and fixation of boundaries. There is no provision under the Act intending to make any detail enquiries with regard to the right, title and interest of the persons in the lands. It is neither the object nor the scheme of the said Act. There is no

¹ 2001 (3) ALD 600

presumption that every entry made in the TSLR shall be presumed to be true until contrary is proved as in the case of entries made in the record of rights under the provisions of A.P. Record of Rights in Land Act, 1971. It is not a record of right. There is no such provision in the Andhra Pradesh Survey and Boundaries Act, 1923.

Following the above said judgment, and for the reasons recorded therein, this Writ Petition is disposed of, in terms thereof, with a direction to the respondent-GHMC authorities to process the application of the petitioner herein, in accordance with the principles laid down in the above judgment. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

06th July, 2018
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A.V.SESHA SAI,J

