

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.47472 OF 2018

ORDER:

Heard.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the action of respondent in insisting and demanding the petitioner to furnish NOC in respect of H.No.16-2-741/ D/ 24, admeasuring 265 square yards in Plot No.13, Gaddiannaram village, T.V.Tower, Malakpet, Hyderabad, as illegal and arbitrary.

3. Learned counsel for the petitioners would submit that in view of the judgment of this Court in Hyderabad Potteries Private Limited vs. Collector, Hyderabad¹ the respondents are not justified in insisting the petitioner to submit No Objection Certificate, for considering the building permission application.

4. Sri Pasham Krishna Reddy, learned Standing Counsel for the second respondent-Corporation submits that if the petitioner submits an application through online, the same will be considered in accordance with law.

5. In Hyderabad Potteries Private Limited vs. Collector, Hyderabad (supra) this Court held that “an entry in TSLR itself cannot be conclusive proof of title, and the decision either to

¹ (2001) 3 ALD 600

grant or refuse permission cannot be taken solely on the basis of an entry made in the TSLR. It is further held that it may be one of the factors that may have to be taken into consideration along with other material available on record, but an entry made in TSLR per se could not create any doubt or cloud on the right, title and interest of a person in respect of any land.”

6. A perusal of the shortfall letter dated 23.10.2017 would show that the building permission was refused solely on the ground that the said land was classified as Kharij Khata. In view of the judgment referred to above and having regard to the facts and circumstances of the case, the Writ Petition is disposed of setting aside the Shortfall Letter No.3/ C4/ 12823/ 2017 dated 23.10.2017 and the petitioner shall make a fresh application through online, in which event the second respondent shall consider the application afresh in accordance with law without insisting upon the ‘No Objection Certificate’.

7. Miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

Date: 31.12.2018
vhb