

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.12013, 11986, 12117 and 13265 OF 2019

COMMON ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development and learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

2. In all these writ petitions, the applications submitted to grant building permission is rejected by the GHMC vide their letter dated 01.06.2019, informing the petitioners that in the prohibited list of properties, survey No.44/4 of Maqta Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District, is included and as the applications made by the petitioners concern the properties in the said survey number, they were asked to obtain No Objection Certificate (NOC) from the Revenue Department. The decision directing the petitioners to obtain NOC from the Revenue Department is challenged in these writ petitions.

3. According to learned counsel for the petitioners, survey No.44/4 of Maqta Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District, is one of the properties included in the extraordinary gazette published by the Ranga Reddy District Administration on 26.09.2013. This notification was the subject matter before this Court in WP No.19069 of 2014 and this Court

held that preliminary notification is not a notification in accordance with Section 22 A of the Registration Act, 1908 and therefore, it cannot act as a bar to take applications for registration of deeds of conveyance. He would further submit that as the notification is held to be not valid, the applications could not have been rejected, basing on said notification. Learned counsel also referred to the compilation of the prohibited properties prepared by the Registration Department in support of his contention that the subject land is shown in the prohibited list by virtue of the District Collector's Gazette Notification dated 26.09.2013 and therefore, directed the petitioners to produce NOCs, is not valid.

4. Having regard to the view taken by this Court in W.P.No.19069 of 2014 and several writ petitions disposed of following the said decision, inclusion of the land in the Gazette Notification dated 26.09.2013 as prohibited property, cannot be the basis to reject the applications for building permission and mandate the petitioners to obtain NOCs.

5. Therefore, all the writ petitions are disposed of directing the respondent Corporation to process the building permission applications submitted by the petitioners without insisting for securing NOCs from the Revenue Department, if basis of such mandate by the GHMC was on the ground that survey No.44/4 of Maqta Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District, is included in the Gazette Publication of Ranga

Reddy District, dated 26.09.2013. If there is any other objection for granting building permission, the same shall be informed to the petitioners. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

August 06, 2019

KTL

