

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13440 OF 2019

DATED :04.07.2019

Between :

Smt Taduri Padmaja W/o.Sri Taduri Sreeramulu,
Aged about 50 yrs, Occu : Home Maker,
R/o.KGOC, P.O. Box : 9919, Ahmadi-61010, Kuwait,
Rep., by her GPA Sri Taduri Sreeramulu,
S/o.late Taduri Venkata Swamy,
Aged about 58 yrs, Occu : Engineer,
Also R/o.Flat # 005, Everest Block, Aditya Enclave,
Ameerpet, Hyderabad.

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Petitioner

And

The Greater Hyderabad Municipal Corporation,
Rep., by its Commissioner,
Tank Bund, Hyderabad & others.

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Respondents

This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13440 OF 2019

ORDER :

Heard learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondents.

2. Building permission application submitted by petitioner to construct house in Plot No.264 in Sy.No.66/2, Raidurg Navkhalsa Village, Serlingampally Mandal, Ranga Reddy District, was processed and by letter dated 11.06.2019 he was informed about shortfalls in processing of application. One of the objections raised was that site of the petitioner is located adjacent to government land towards southern side and as there was no demarcation of the site boundary and Government land, the applicant was required to obtain No Objection Certificate from the revenue department.

3. Merely because there is adjacent government land, it cannot be a ground to direct the petitioner to obtain No Objection Certificate from the revenue authority. If there is dispute between a private person and Government, it is for the Government to sort out the dispute. Thus, the direction to obtain No Objection Certificate is held to be illegal.

4. However, as pointed out by learned Standing counsel, further objection is on the aspect that the applicant has not demarcated site boundary with cuddly stones and the site under reference is covered by rock boulders; that boundaries mentioned in the application do not tally with the site.

5. In response, learned counsel for the petitioner sought to contend that the site plan of this survey number was submitted to the Municipal Corporation when the application for regularization of un-approved lay out was made and by proceedings dated 21.05.2013 the plot was regularized. The site plan as regularized has clear demarcations and the same ought to have been verified.

6. From the objections in the shortfall letter dated 11.06.2019 it is noticed that the Municipal Corporation has not disputed the extent of land claimed by petitioner, but what is pointed out is that boundaries are not clearly demarcated and site is not identified with clear boundaries. That being so, *prima-facie*, objections cannot be held as not valid.

7. However, in order to resolve the dispute, with consent of both counsel, the Writ Petition is disposed of directing the Deputy Commissioner, Circle No.11, GHMC-2nd respondent to conduct field inspection in the presence of petitioner. At the time of field inspection, petitioner shall point out clear demarcations of his site matching with the boundaries specified in the Land Regularization Order and on being satisfied that there is clear demarcation, he shall process the building permission application without insisting for No Objection Certificate from the revenue authorities. If there is any other objection, the same shall be communicated to petitioner. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

4th July, 2019
Rds