

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.25196 of 2019

ORDER:

Being aggrieved by the action of the second respondent in refusing to give permission, *vide* Letter No.3/C21/18395/2019, dated 29.10.2019, termed as 'Shortfall Letter', for proposals for construction of building on Plot No.B-125 in Survey No.44/4 of Maqta Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District, the present writ petition is filed.

2. Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration appearing for respondent No.1 and learned standing counsel for the Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 and 3.

3. The relevant portion of the impugned Shortfall Letter dated 29.10.2019 reads as under:

'The proposed site u/r falls in Sy.No.44/1 of Makthamaboobpet Village is covered Prohibited Properties in Urban Prohibited Register in registration & stamp Department, Government of Telangana. Hence, the applicant is hereby informed to submit

- 1) NOC from the concerned department.
- 2) ...
- 3) ...'

4. Though there were many other shortfalls in the impugned letter, the petitioner is mainly aggrieved by the insistence of No Objection Certificate (NOC) from the concerned department.

5. The insistence of NOC by the authorities from the concerned department is on the ground that the property is falling in Survey No.44/1 of Makthamaboobpet Village, which survey number is included in the list of prohibited properties. However, the said issue was dealt with by this Court in W.P.No.19069 of 2014 and in various other matters. By order, dated 25.08.2014, this Court disposed of W.P.No.19069 of 2014 directing the authorities to grant permission without insisting on production of NOC from the concerned department, subject to compliance of all other requirements under law.

6. For reasons alike as were stated in the order dated 25.08.2014 passed in W.P.No.19069 of 2014, and in terms thereof, this writ petition is disposed of directing the respondent authorities to receive and process the petitioner's application for grant of building construction permission without insisting on production of No Objection Certificate from the concerned department. It is made clear that the petitioner shall comply with all other requirements prescribed by law. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Registry is directed to enclose a copy of the order dated 25.08.2014 passed in W.P.No.19069 of 2014 to this order.

JUSTICE T.VINOD KUMAR

Date:15.11.2019

GJ