

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 25385 OF 2019

ORDER:

This writ petition is filed challenging the action of 1st respondent in rejecting the application of the petitioners for building permission dt.30.10.2019.

The case of the petitioner is that when his vendor wanted to sell the subject property to the petitioners, the Joint Sub-Registrar-1 and 2, District Registrar Office, Ranga Reddy, have not registered the same in favour of the petitioners on the ground that the subject property was included in the prohibited properties list under Section 22-A of the Stamps Registration Act, as such, the petitioners filed WP.No.11486 of 2019 and this Court disposed of the said writ petition directing the concerned Sub-registrar to register the document in favour of the petitioners and accordingly, the subject property was registered in the name of the petitioners.

The grievance of the petitioners is that when they applied for building permission, the same was also rejected on the ground that the subject property is included in the prohibited properties list under Section 22-A of the Stamps and Registration Act. Hence, this writ petition.

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

The objection taken by the Registration Department, at the time of registration of subject property in the name of the petitioners, is over-ruled by this Court in WP.No. 11486 of 2019 and thereafter, the subject property was registered in the name of the petitioners. Again when the petitioners applied for building permission, on the self same ground, the respondents cannot reject the application of the petitioners.

It is also stated by learned counsel for the petitioners that the Municipal Corporation issued Circular dated 19.03.2015 directing the authorities not to insist the parties for production of NOC from the Revenue Department. This Court also in *Hyderabad Potteries Private Limited v. Collector, Hyderabad District and another* [2001 SCC OnLine AP 397; (2001) 3 ALD 600; (2001) 3 ALT 200] held that the municipal authorities cannot insist for NOC for granting building permission.

In view of the aforesaid facts and circumstances, the impugned order is set aside and the respondent authorities are directed to reconsider the application of the petitioners for granting building permission, if the same is in order. Accordingly, the writ petition is allowed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

02.12.2019
t k.

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



tk