

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No. 25589 OF 2019**

**ORDER:**

This writ petition is filed challenging the action of the respondents more particularly respondent No.3 in issuing shortfall Letter vide Lr.No.3/C26/15160/2019, dated 30-08-2019, in respect of petitioner's property bearing Plot No.126, in Sy.No.329/3 & 329/8, situated at Gajularamaram Village, Quthbullapur Mandal, Medchal District.

The case of the petitioner is that he is the absolute owner and possessor of the plot bearing No.126, admeasuring 200 Sq.Yards in Sy.No.329/3 and 329/8, situated at Gajularamaram Village, under GHMC Gaajularamaram Circle, Quthubullapur Mandal, Medchal, Malkajgiri District, having purchased the same through registered sale deed from its original owner Gadda Lakshmi Praveena vide Document No.3595 of 2017, dated 29.04.2017 by paying valid sale consideration and ever since the petitioner is in peaceful possession and enjoyment of the same without interference from any quarter. It is also stated that petitioner's vendor had purchased subject plot through a registered sale deed vide document No.7793 of 2013, dated 27.04.2013 read with document No.9687 of 2002 dated 08.11.2002 from his vendor; that petitioner's vendor's vendor had also got regularised the subject plot under Layout Regularization Scheme (LRS) vide proceeding No.LRS/1567/844/CR-15/North Zone, GHMC/2008, dated 23.06.2009; and that the said regularization was made in his favour after due verification of title as well as possession.

The grievance of the petitioner is that when he approached respondent Nos.2 and 3 with an intention to raise construction of residential house in the subject property with all relevant documents and submitted application dt.20.09.2019, the 3<sup>rd</sup> respondent has returned petitioner's plans as unapproved by issuing shortfall letter dt.30.08.2019 stating that as per the clarification received from the Tahasildar, Quthbullapur Mandal vide letter No.B/35/2018, dt. 05.01.2018, the land in Survey No.329/1 to 10 of Gajularamaram Village is treated as Government Land. The relevant paragraph in the impugned shortfall letter dt.30.08.2019, reads as follows;

*“ The proposals submitted by you in Sy.No.329/3 & 329/8 a clarification received from Tahasildar, Quthbullapur Mandal, vide letter No.B/35/2018, dt.05.01.2018, wherein, informed as per Nakal Sathwar of GajularamaramVillage available in the office the Sy.No.329 is recorded as ‘Gairan Sakar’ (Government Land) and also the Sy.No.329/1 to 10 of Gajularamara, Village have been notified under Section 22-A of Stamps and Registration Act and further informed land in Sy.No.329/1 to 10 of Gajularamaram Village is been treated as Government Land.”*

Aggrieved by the same, present writ petition is filed.

Learned Counsel for the petitioner submits that the same Tahasildar, Quthbullapur Mandal, who issued the aforesaid letter dt.05.01.2018 stating that the subject land is treated as Government Land, has recommended for de-notification of subject lands vide his report dt.27.08.2005 by elaborately considering the issue; and that stating all those facts petitioner made representation to the 3<sup>rd</sup> respondent on 25.10.2019 for consideration of the same.

Heard Sri Chatla Madhu, learned Standing Counsel for respondents 2 and 3 who submits that since the lands are included under the purview of Section 22-A of the Act, after getting clarification from the concerned Tahasildar, the impugned order is passed.

In this case it is to be seen that as contended by the learned counsel for petitioner the respondent No.3 is not obligated to get any NOC from the Tahasildar as per the Judgment rendered by this Court in *Hyderabad Potteries Private Limited v. Collector, Hyderabad District and another* [2001 SCC OnLine AP 397; (2001) 3 ALD 600; (2001) 3 ALT 200].

In view of the same, the 3<sup>rd</sup> respondent is directed to reconsider the representation of the petitioner dated 25.10.2019 taking into account the above facts and circumstances and take action accordingly within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

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**A.RAJASHEKER REDDY, J**

20.11.2019  
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