

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.29149 of 2018

ORDER:

The petitioners assail the Endorsement dated 15.05.2018 issued by the Member Convener & Joint Collector, NOC Committee, Hyderabad District, rejecting the request for issuance of clearance for obtaining construction permission on the ground that the subject land was covered in Land Bank No.154.

Learned Assistant Government Pleader for Revenue, State of Telangana, would fairly concede that the basis for constitution of the Committee was a Full Bench Judgment of the erstwhile High Court of Andhra Pradesh, which has, in effect, been set aside by the Supreme Court as the matter is remitted for consideration afresh.

In that view of the matter, there is no legal basis for the very constitution and continuance of the NOC Committee which dealt with the application for issuance of clearance for obtaining construction permission. The impugned Endorsement dated 15.05.2018 therefore has no value in the eye of law and is accordingly set aside. This order shall however not preclude the authorities concerned from taking appropriate action as warranted in accordance with the due procedure in relation to the land over which the petitioners claim rights.

Needless to state, any application made by the petitioners for building permission shall be considered by the municipal authorities on its own merits and in accordance with the provisions of the Greater Hyderabad Municipal Corporations Act, 1955.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:28.01.2019

GJ