

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 45021 OF 2018

ORDER :

This writ petition is filed challenging the action of 1st respondent in rejecting the application of the petitioners for grant of building permission vide letter dated dt.27-09-2018.

The case of the petitioners is that the 1st petitioner is the registered owner of the subject property having purchased the same for valid sale consideration. That the 1st petitioner executed a gift deed for an extent of 120 sy. yards out of 1200 sy. yards purchased by him in favour of the 2nd petitioner, who is son. That thereafter, the petitioners applied for regularisation of their plots by enclosing all the documents and the 1st respondent has also regularised the plots of the subject property by collecting necessary charges.

The grievance of the petitioners is that when they applied for building permission, the same was 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.

It is to be seen that the petitioners have purchased the subject property for a valid consideration under registered sale deeds and also got the subject property regularized by paying necessary charges and proceedings were issued vide LRS/302/CR-12/West Zone/GHMC/2010, dated 16-06-2011 and LRS/303/CR-12/West Zone/GHMC/2010, dated 16-

06-2011 by the 1st respondent. Therefore, again when the petitioners applied for building permission, the respondents cannot reject the application of the petitioners on the ground that the subject property is included in the prohibited properties list under Section 22-A of the Stamps and Registration Act.

It is also stated 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

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