

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.16041 of 2020

ORDER

This writ petition is filed seeking to declare the action of the respondents in issuing a shortfall letter No.3/C6/07188/2020 dated 02.07.2020 to the petitioner stating that the house bearing No.16-3-932, Eastern Portion, is in the prohibited list, as illegal and arbitrary.

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and Sri Pasham Krishna Reddy, learned Standing Counsel for respondent Nos.2 to 5.

3. Learned counsel for the petitioner submits that when the petitioner applied for building permission, the respondents issued impugned letter dated 02.07.2020 stating that there is a shortfall as the subject property is included in the prohibited list. He further submits that in spite of letter dated 16.07.2020, issued by the Joint Sub-Registrar, stating that the prohibited list of properties under Section 22A of Registration Act, was kept in abeyance, the respondent Corporation is not granting building permission to the petitioner. He also submits that the respondent Corporation cannot insist for No objection Certificate from the petitioner in terms of the judgment of this Court in **Hyderabad Potteries Private Limited v. Collector, Hyderabad District and another**¹. He also relied upon the judgment of this Court in W.P.No.25385 of 2019 dated 02.12.2019.

¹ 2001(3) ALD 600

4. Learned Standing Counsel for the respondent Corporation submits that if the property in dispute is a Government land, the respondent Corporation cannot grant permission.

5. A perusal of the material on record would show that the petitioner filed letter No.235/SRO-Azmp/2020 dated 16.07.2020, issued by the Joint Sub-Registrar, Azampura, to the petitioner, stating that the prohibited list of properties under Section 22-A of Registration Act vide Endorsement No.3588 dated 11.11.2011, was kept in abeyance through Government Memo No.36791/Regn.I/A1/2012-1 dated 28.09.2012 and the same has been communicated to the Sub-Registrar's Office through DIG Memo No.G/1252/2012 dated 22.11.2012; and that the Collector, Hyderabad District, also addressed a letter dated 21.10.2012 to the Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad, informing the same.

6. In view of the above facts and circumstances, it is open to the petitioner to produce the said letters before respondent No.3, and on receipt of the same, respondent No.3 to consider the same and dispose of the building application of the petitioner in accordance with law.

7. With the above observation, the Writ Petition is disposed of. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAJASHEKER REDDY, J

22nd September, 2020.
sj