HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO. 18337 OF 2020

Between:

1. Keshav Rao Nimbalker, S/o. Ramakrishna Rao Nimbalker, Aged about .70 years, Occ. (Retd)Bak Executive, R/o. SRINIKETAN, H.No.3-4-206, Lingampallty, Kachiguda, Hyderabad.
2. Srinivas Rao Nimbalker, S/o. Ramakrishna Rao Nimbalker, Aged about 65 years, Occ.(Retd)Electrical Engineer, R/o. SRINIKETAN, H.No.3-4-206, Lingampallty, Kachiguda, Hyderabad.

...PETITIONERS

AND

1. State of Telangana, Represented by its Secretary, Municipal Administration and Urban Development, Secretariat Buildings, Hyderabad.
2. Greater Hyderabad Municipal Corporation, Represented by its Commissioner, CC Buildings, Tank Bund, Hyderabad.
3. Asst. City Planner, Circle No.16, Secunderabad Zone, Greater Hyderabad, Municipal Corporation.
4. District Collector, Hyderabad District.
5. Tahsildar, Hyderabad Mandal, Hyderabad District.
6. Deputy Director, Survey and Land Records, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate Writ, Order or direction, preferably a Writ in the nature of Mandamus directing the Respondent Municipal Corporation not to insist No Objection Certificate for Gramakantam property i.e., all that the House bearing No.3-4-206, 206/A, 206/A/A, 206/A/1, 206/A/2 and 206/A/3, admeasuring 1326 sq. yards situated at Kachiguda, Hyderabad, while considering the application No.1/C16/22830/2019 Dt. 24/12/2019 for building permission.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent. Municipal Authorities to consider the application file No.1/C16/22830/2019 Dt. 24/12/2019 for building permission without insisting No Objection Certificate for Gramakantam property i.e., all that the House bearing No.3- 4-206, 206/A, 206/A/A, 206/A/1, 206/A/2 & 206/A/3 admeasuring 1326 sq. yards situated at Kachiguda, Hyderabad pending disposal of the above writ petition.

Counsel for the Petitioner: SRI M. V. RAJ KUMAR GABRIEL
Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT
Counsel for the Respondent Nos.2 & 3: SRI PASHAM KRISHNA REDDY, S.C. FOR GHMC
Counsel for the Respondent Nos. 4 to 6: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.18337 of 2020

ORDER:

Heard the learned counsel for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, Sri Pasham Kirshna Reddy, the learned Standing Counsel for Greater Hyderabad Municipal Corporation for respondent Nos.2 and 3, and the learned Government Pleader for Revenue for respondent Nos.4 to 6. With their consent, the Writ Petition is disposed of at the stage of admission itself.

The present Writ Petition is filed seeking a direction to the respondent Corporation not to insist No-Objection Certificate for Gramakantam Property i.e., House bearing Nos.3-4-206, 206/A, 206/A/A, 206/A/1, 206/A/2 & 206/A/3, admeasuring 1326 square yards, situated at Kachiguda, Hyderabad, while considering the application of the petitioners dated 24.12.2019 for building permission.

This Court, on a number of occasions, basing on the ratio laid down by this Court in ***Hyderabad Potteries Private Limited v. Collector, Hyderabad District and another***[1], has held that the insistence of the GHMC authorities for producing No-objection Certificate from the ULC Authorities/Revenue authorities or any other authorities for processing the application for building permission, is contrary to the provisions of the GHMC Act. The GHMC has to *prima facie* see whether the petitioner is having the

[1] 2001 SCC OnLine AP 367

prima facie title or not and whether the building plan submitted along with the application for building permission is as per the rules and GOs prescribed. The respondent authorities cannot insist the petitioner to submit NOC from the ULC authorities or any other authorities for the purpose of processing the building permission when the same is not mandated by law.

For the above mentioned reasons, the writ petition is disposed of with a direction to the competent authority to consider the application of the petitioners for building permission without insisting for production of No-objection Certificate from the authorities concerned and pass necessary orders thereon, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order, duly taking into consideration the ratio laid down by this Court in ***Hyderabad Potteries Private Limited*** *(supra)* and strictly in accordance with law. A copy of the order passed by the competent authority shall be communicated to the petitioners.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/- K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Municipal Administration and Urban Development, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, CC Buildings, Tank Bund, Hyderabad.
3. The Asst. City Planner, Circle No.16, Secunderabad Zone, Greater Hyderabad, Municipal Corporation.
4. The District Collector, Hyderabad District.
5. The Tahsildar, Hyderabad Mandal, Hyderabad District.
6. The Deputy Director, Survey and Land Records, Hyderabad.
7. One CC to Sri M. V. Raj Kumar Gabriel, Advocate [OPUC]
8. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
9. One CC to Sri Pasham Krishna Reddy, S.C. For GHMC (OPUC)
10. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
11. Two CD Copies.

MP

HIGH COURT

DATED:22/12/2020



ORDER

WP.No.18337 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

SJV
14 copies
DT-23/12/2020