

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

FRIDAY THE TWENTY SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 4770 OF 2021

Between:

1. Yakkali Balakrishna Murty, S/o-Late Balaratnam, Aged about 58 years, Occ. Business, R/o,LIG, B-75, Dr. A.S Rao Nagar, Hyderabad- 500 062.
2. Tunuguntala Nanda Krishna, S/o Adinarayana, Aged about 37 years, Occ. Service, R/o,H.No.1-10-74, Ashok Nagar, Hyderabad - 500 020.

...PETITIONERS

AND

1. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund, Hyderabad.
2. The Deputy Commissioner, Hyderabad Municipal Corporation, Circel-20, Serilingampally, Hyderabad.
3. The State of Telangana, Rep. by its Principal Secretary, Revenue (U.L.C) Department, Secretariat, Hyderabad.
4. The Collector and Competent Authority, Urban Land Ceiling, 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 an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in insisting for production of clearance certificate or No Objection Certificate from ULC authorities in respect of LRS application bearing No.2182/Circle-XI/GHMC/08, dated 29/04/2008, of Kondapur village, Serilingampally Revenue Mandal, Ranga Reddy District, part of Raghavendra Colony of Serilingampally circle of Greater Hyderabad Municipal Corporation, Hyderabad, as illegal, arbitrary, unreasonable, contrary to the law and consequentially direct the respondents herein to consider petitioners LRS applications without insisting for clearance certificate or No Objection Certificate from ULC authorities.

IA NO: 1 OF 2021

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 respondents to consider petitioners LRS applications bearing application bearing No.2182/Circle-XI/GHMC/08, dated 29/04/2008, submitted by the petitioners in respect of their properties in Sy.No's 60 and 71, of Kondapur village, Serilingampally Revenue Mandal, Ranga Reddy District, without insisting for clearance certificate or No Objection Certificate from ULC authorities, pending disposal of the above writ petition.

Counsel for the Petitioner : M/s. G .VASANTHA RAYUDU

**Counsel for the Respondent Nos.1 & 2: SRI SAMPATH PRABHAKAR REDDY,
SC FOR GHMC**

Counsel for the Respondent Nos.3 & 4: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.4770 of 2021

ORDER:

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

The present Writ Petition is filed seeking to declare the action of the respondents in insisting the petitioners for production of Clearance Certificate or No-Objection Certificate from ULC authorities in respect of plot No. 38-B, admeasuring 369.44 Sq. Yards, situated in survey No.60, Kondapur Village, Serilingampally Revenue Mandal, Ranga Reddy District, part of Raghavendra Colony of Serilingampally Circle of GHMC, Hyderabad, as illegal, arbitrary and contrary to the common order, dated 28.03.2017, passed by this Court in W.P.No.21580 of 2008 & batch.

Admittedly, by virtue of the common order, dated 28.03.2017, passed a learned Single Judge of this Court in W.P.No.21580 of 2008 & batch, the subject land cannot be treated as a surplus land and the relevant proceedings initiated under the Urban Land (Ceiling and Regulation) Act, 1976, were also quashed.

Though, the learned Government Pleader, on instructions, has stated that as against the judgment dated 28.03.2017, passed in W.P.No.21580 of 2008, the Government has preferred an appeal being W.A.No.166 of 2018, and the same is pending adjudication

before a Division Bench of this Court, but has fairly conceded that no interim orders are passed thereon till date. <

In view of the same, the official respondents are directed to consider the application dated 29.04.2008 made by the petitioners for LRS without insisting for production of NOC from the ULC department, and pass necessary orders thereon, duly taking into consideration the order of this Court passed in W.P.No.21580 of 2008 & batch, dated 28.03.2017, as expeditiously as possible, preferably, within a period of three weeks from the date of receipt of a copy of this order. However, it is made clear that any orders likely to be passed by the official respondents are subject to the final orders likely to be passed in W.A.No.166 of 2018 and batch and the petitioners shall not claim any equities in case any adverse orders are passed against them in the writ appeal. In case of any alienation, the petitioners shall inform the purchaser about the pendency of the litigation and also that any orders passed by the authorities under the LRS scheme are subject to the final orders likely to be passed in W.A.No.166 of 2018 and batch, and such alienation made by the petitioners is also subject to the final result of the W.A.No.166 of 2018 and batch.

Accordingly, the Writ Petition is disposed of.

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

SD/-K.AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

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To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
2. The Deputy Commissioner, Hyderabad Municipal Corporation, Circle-20, Serlingampally, Hyderabad.
3. The Principal Secretary, Revenue (U.L.C) Department, State of Telangana, Secretariat, Hyderabad.
4. The Collector and Competent Authority, Urban Land Ceiling, Hyderabad.
5. One CC to M/s. G. Vasantha Rayudu, Advocate [OPUC]
6. One CC to Sri Sampath Prabhakar Reddy, SC for GHMC, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies

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HIGH COURT

DATED:26/02/2021

ORDER

WP.No.4770 of 2021



DISPOSING OF THE WP.
WITHOUT COSTS.

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