

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

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 22146 OF 2022

Between:

Smt. V. Venkata Sailaja, W/o. V. Naga Venkata Satyanarayana, Aged 58 years, Occ. Housewife, R/o. H.No. 11-4-646/D/1/B, Jaya Residency, A.C. Guards, Lakdikapool, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad, Municipal Corporation, Near Tank Bund, Hyderabad, Rep. by its Commissioner.
3. The Greater Hyderabad Municipal Corporation, Rep. by its Asst. City Planner, SLP-2, Serilingampally Zone, Ranga Reddy District.
4. The District Collector and Competent Authority (ULC Wing), Ranga Reddy District, Collector's Office, Lakdikapool, 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, more particularly one in the nature of Writ of Mandamus by declaring the action of the 3rd respondent herein in insisting the petitioner to produce NOC from ULC Department through the shortfall letter dated 06/04/2022 and though the same is unsustainable as the ULC Act itself repealed and therefore the same is arbitrary, illegal, unlawful and contrary to law and consequentially to direct the 3rd respondent herein to process the building application No.003558/GHMC/1803/SLP2/2022-BP, dated 28/03/2022 of the petitioner without insisting for production of NOC from ULC Department and to pass.

I.A.NO:1 OF 2022

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 No.3 herein to consider for granting building permission

and sanction to the petitioner without insisting the NOC from ULC Department, pending disposal of the present Writ Petition in the interest of Justice pending disposal of the present Writ Petition in the interest of Justice and to pass.

Counsel for the Petitioner : SRI.E.VENKATA REDDY

Counsel for the Respondent No.1 : GP FOR MCPL ADMN AND URBAN DEV

Counsel for the Respondent Nos.2 & 3 : SRI.SAMPATH PRABHAKAR REDDY

Counsel for the Respondent No.4 : GP FOR REVENUE

The Court made the following ORDER

THE HONORABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.22146 of 2022

ORDER

This writ petition is filed questioning the action of respondent No.3 in insisting the petitioner to produce NOC from ULC Department through the shortfall letter dated 06.04.2022, as illegal and arbitrary.

2. Heard learned counsel for the petitioner Mr.E. Venkata Reddy, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and learned Standing Counsel Mr. Sampath Prabhakar Reddy for respondent Nos.2 and 3.

3. Learned counsel for the petitioner submits that in respect of the very same matters, this Court in W.P.No.21580 of 2008 and batch dated 28.03.2017, held that Urban Land Ceiling proceedings are not applicable to the subject lands and the Urban Land Ceiling Act itself is repealed. He further submits that the subject land comes under GHMC limits and in spite of the said orders, again respondent No.3 is insisting for NOC and refusing to grant building permission for construction of a residential building and hence, the petitioner is constrained to approach this Court.

4. Learned Standing Counsel for respondent Nos.2 and 3 submits that against the orders passed in W.P.No.21580 of 2008 and batch dated 28.03.2017, appeals are preferred and they are going to be listed on 08.06.2022, till such time, this matter may be kept pending.

5. The fact remains is that the orders in W.P.No.21580 of 2008 and batch were passed on 28.03.2017 declaring that the subject lands does not fall under Urban Land Ceiling Proceedings. In view of the said orders passed by this Court and as no interim orders are passed in the writ appeals, the order dated 28.03.2017 is subsisting. Therefore, the respondents shall process the application of the petitioner for building permission without insisting for NOC from the Urban Land Ceiling Department in the light of the orders passed by this Court in W.P.No.21580 of 2008 and batch dated 28.03.2017.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

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

**SD/-G.SIREESHA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner, Greater Hyderabad, Municipal Corporation, Near Tank Bund, Hyderabad.
3. The Assistant City Planner, Greater Hyderabad Municipal Corporation, SLP-2, Serilingampally Zone, Ranga Reddy District.
4. The District Collector and Competent Authority (ULC Wing), Ranga Reddy District, Collector's Office, Lakdikapool, Hyderabad.
5. Two CCs to GP FOR MCPL ADMN AND URBAN DEV, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI.E.VENKATA REDDY, Advocate [OPUC]
8. One CC to SRI.SAMPATH PRABHAKAR REDDY, Advocate (OPUC)
9. Two CD Copies
10. One spare copy

**S.A
SW**

HIGH COURT

DATED:28/04/2022

ORDER

WP.No.22146 of 2022



**DISPOSING OF THE W.P
WITHOUT COSTS.**

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9/6/22
HVK