

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

THURSDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 37056 OF 2024

Between:

1. Smt. Gangala Vishnu Kumari, W/o. Gangula Chander alias Gangala Chandra Sekhar, aged about 42 years, Occ. House Wife, R/o. Plot No.215/B, Raghavendra Colony, Kondapur Village, Serilingampally Mandal, Ranga Reddy District, Telangana State.
2. Gangala Maneesh Kumar Yadav, S/o. Gangula Chander alias Gangala Chandra Sekhar, aged about 21 years, Occ. Business, R/o. Plot No.215/B, Raghavendra Colony, Kondapur Village, Serilingampally Mandal, Ranga Reddy District, Telangana State.
3. Miss.Gangala Hethana, D/o. Gangula Chander alias Gangala Chandra Sekhar, aged about 19 years, Occ. Student, R/o. Plot No.215/B, Raghavendra Colony, Rep. by their GPA holder M/ s. Vilara Infra having its office at Flat No.308, Magna's Lake View Apartment, Khanamet, Kondapur, Hyderabad, Telangana State -500084. Rep. by its Managing partner Kumara Giri Reddy Konda, S/o. Raghu Rami Reddy Konda, Aged about 51 years, Occ. Business, R/o. Hyderabad.

.....PETITIONERS

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 (GHMC), Rep. by its Commissioner, Tankbund, Hyderabad.
3. The Zonal Commissioner, Serilingampally Zone, GHMC, Hyderabad.
4. The Assistant City Planner, Serilingampally Zone, GHMC, Hyderabad.
5. The District Collector, Ranga Reddy District.

.....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 a Writ, Order or direction more particularly one in the nature of

Writ of Mandamus declaring the action of the respondent no.3 in issuing Ex.PI rejection letter bearing Lr.no. 004247/GHMC/2060/SLP2/2024-BP dated 16.11.2024 as illegal, arbitrary and contrary to the provisions of TG-bPASS Act 2020 and set aside the same and consequently direct the respondent no. 3 to consider the building permission application of the petitioners bearing No. 004247/ GHMC/2060/SLP2/202 BP dated 24.04.2024 in respect Eastern Part of the House No.2-41/6/5 (PTI No.1129923054), With Builtup-Area of 270 Sq. Feet, land admeasuring 1181 Sq.yds out of 2368 Sq. Yards in Sy. No.41/6, situated at Khanamet Village, Serilingampally Mandal, under GHMC, Ranga Reddy District.

I.A.NO:1 OF 2024

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 to consider the building permission application of the petitioners bearing No. 004247/GHMC/2060/SLP2/2024-BP dated 24.04.2024 in respect of Eastern Part of the House No.2-41/6/5 (PTI No.1129923054), With Built-up-Area of 270 Sq. Feet, land admeasuring 1181 Sq.yds out of 2368 Sq. Yards in Sy. No.41/6, situated at Khanamet Village, Serilingampally Mandal, under GHMC, Ranga Reddy District pending disposal of the above writ petition.

Counsel for the Petitioners : SRI S.SRIDHAR

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

Counsel for the Respondent Nos.2 to 4 : SRI RAPARTHI VENKATESH

Counsel for the Respondent No.5 : Ms. SRAVANTHI, G.P FOR REVENUE

The Court made the following ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.37056 OF 2024

ORAL ORDER:

Heard Sri S.Sridhar, learned counsel for the petitioners, Ms.Sravanthi, learned Assistant Government Pleader for Revenue appearing on behalf of respondent No.5 and Sri Raparthi Venkatesh, learned Standing Counsel appearing for respondent Nos.2 to 4. Perused the record.

2. Petitioners are claiming that they are the absolute owners and possessors of the house bearing Eastern Part of the House No.2-41/6/5 (PTI No.1129923054) with built-up area of 270 square feet, admeasuring 1181 square yards out of 2368 square yards in Survey No.41/6, situated at Khanamet Village, Serilingampally Mandal under GHMC limits, Ranga Reddy District, on the strength of a registered gift deed bearing document No.4054 of 2024, dated 26.02.2024 executed by the husband of petitioner No.1 and father of petitioner Nos.2 and 3. Thereafter, they have decided to develop the said property and accordingly they entered into a Development Agreement-cum-General Power of Attorney in favour of M/s. Vilara Infra vide document bearing No.4617 of 2024, dated 26.02.2024 to construct a residential building consists 1 Stilt + 5 Upper Floors. Pursuant thereof, they have submitted an application dated 24.04.2024 to respondent No.2-Corporation under TS-bPASS by

way of self-certification and self-declaration. The same was rejected by respondent No.3 *vide* rejection letter dated 16.11.2024 stating that the land in Survey No.41/6 of Khanamet Village is a Government land covered under Sarkari in prohibitory register and therefore, petitioners have to submit NOC. They have not submitted the same. Challenging the said rejection letter dated 16.11.2024, the petitioners filed the present writ petition.

3. According to the petitioners, the impugned rejection order is contrary to the procedure laid down under TS-bPASS Act, 2020. Respondent No.3 has to verify with regard to *prima facie* title and possession of the petitioners over the subject property. Further, Respondent No.3 has not conducted any enquiry with regard to the title of the petitioners. The contention of respondent No.3 that the land in Survey No.41/6, situated at Khanamet Village, Serilingampally Mandal is a government land is without any basis.

4. Learned counsel for the petitioners also placed reliance on the order dated 25.11.2024 in W.P No.32643 of 2024.

5. Perusal of the said order dated 25.11.2024 in W.P No.32643 of 2024 would reveal that the petitioners therein are claiming right over the subject property therein under gift settlement deed. On receipt of application submitted by them seeking construction of house, Respondent No.3 therein has issued short-fall intimation

letter dated 26.06.2024 to the petitioners therein, owners of adjacent property of the petitioners herein on the same allegations. Therefore, placing reliance on Section 7 of TS-bPASS Act, 2020, *vide* order dated 25.11.2024, this Court disposed of the writ petition directing respondent No.3 to consider the building permission application bearing No.004526/GHMC/2205/SLP2/2024-BP submitted by the petitioners therein without reference to the short-fall intimation letter dated 26.06.2024.

6. Whereas, learned Standing Counsel for GHMC has produced written instructions of ACP-SLPZ, GHMC, stating that on receipt of the application dated 24.04.2024, the respondents have verified the records, inspected the site and observed that the land in Survey No.41/6 of Khanamet Village, Serilingampally Mandal, is recorded as "Sarkari (Assigned land)" in prohibitory register. Therefore, the petitioners have to necessarily submit NOC. But the petitioners failed to submit NOC along with the application dated 24.04.2024. Therefore, the same was rejected. He has also produced a copy of the proceedings dated 08.10.2024 of the Additional Collector (Revenue), Ranga Reddy District, addressed to the GHMC. The same are placed on record.

7. Learned Assistant Government Pleader for Revenue has also produced written instructions of the Deputy Collector and Tahsildar,

Serilingampally Mandal and the same are also in the same lines. The said written instructions are also placed on record.

8. As discussed supra, the petitioners herein are claiming that they are the absolute owners of the subject property having acquired the same through a registered gift deed bearing document No.4054 of 2024. They have also executed a registered Development Agreement-cum-General Power of Attorney under document No.4617 of 2024, dated 26.02.2024 for development of the subject property. Having entertained the aforesaid two registered documents, respondent No.3 cannot contend that the subject property is a government land it is in prohibited list. They have to take necessary steps keeping the subject property in prohibitory list. But they have not taken any steps so far to keep the subject property in prohibitory list. In similar circumstances, vide order dated 25.11.2024, this Court disposed of the W.P No.32643 of 2024 directing the Municipal authorities to consider the application submitted by the petitioners therein under TS-bPASS Act, 2020 without referring to the shortfall notice and without insisting for NOC from the revenue authorities. This Court has also granted liberty to the Revenue Department to take action against the petitioners therein, if the subject land is a Government land. Since the petitioners herein are also standing on the very same footing, to maintain parity, they are also entitled for the same relief.

9. In the light of the said submissions, the impugned rejection letter dated 16.11.2024 of respondent No.3 is set aside. Respondent No.3 is directed to consider the application dated 24.04.2024 by strictly following the due procedure laid down under Section 7 of TS-bPASS Act, 2020 without reference to the aforesaid short-fall intimation letter and without insisting for NOC from the revenue authorities. If the subject property is government land, liberty is granted to the revenue department to take action against the petitioners in accordance with law. Respondent No.3 shall complete the said exercise within 4 weeks from the date of receipt of a copy of this order. Till then, the petitioners shall not make any construction.

10. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

//TRUE COPY//

**SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR**

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 (GHMC), Tankbund, Hyderabad.
3. The Zonal Commissioner, Serilingampally Zone, GHMC, Hyderabad.
4. The Assistant City Planner, Serilingampally Zone, GHMC, Hyderabad.
5. The District Collector, Ranga Reddy District.
6. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMEN, High Court for the State of Telangana. [OUT]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
8. One CC to SRI S.SRIDHAR, Advocate [OPUC]

9. One CC to SRI RAPARTHI VENKATESH, Advocate (OPUC)
10. Two CD Copies

SA
BS

(Signature)

HIGH COURT

DATED:02/01/2025

ORDER

WP.No.37056 of 2024



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

(14)
13/02/25
DR