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

TUESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 14367 OF 2018

Between:

Smt. Mumtaz Jahan, W/o Mir Mahboob Ali, Aged 65 years, Occ Retired Govt. Service, R/o H.No.16-8-334, Kaladera, New Malakpet, Hyderabad, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal and Urban Development Department, Secretariat, Secretariat Building, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. The Assistant Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, 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 writ, order or direction more particularly one in the nature Writ of Mandamus, declaring the action of the respondents in not granting permission for construction of building in schedule property bearing Municipal No.16-2-738/14/A/6 (Old Municipal No. 16-2-738/14/A) (Portion) admeasuring 202 Sq. yards or 168.87 Sq. meters in Plot No.37 (Part No.2/B) situated at Gaddiannaram, Malakpet, Hyderabad, Telangana State as illegal, arbitrary, discriminatory, in violation of Principles of Natural Justice and Articles 14, 16, 21 and 300-A of Constitution of India and consequently direct the respondents to grant permission for construction of building in schedule property bearing Municipal No.16-2-738/14/A/6 (Old Municipal

No. 16-2-738/14/A) (Portion) admeasuring 202 Sq. yards or 168.87 Sq. meters in Plot No.37 (Part No.2/B) situated at Gaddiannaram, Malakpet, Hyderabad.

I.A. NO: 1 OF 2018

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 the application of the petitioner for sanction of building permission vide File No.3/C4/16199/2017 and grant permission for construction of building in schedule property bearing Municipal No.16-2-738/14/A/6 (Old Municipal No. 16-2-738/14/A) (Portion) admeasuring 202 Sq. yards or 168.87 Sq. meters in Plot No.37 (Part No.2/B) situated at Gaddiannaram, Malakpet, Hyderabad, Telangana State pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI KATIKA RAVINDER REDDY

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

Counsel for the Respondent No.2 & 3: SRI RAPARTHI VENKATESH, SC FOR GHMC

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WP.No.14367 of 2018

Dated:06.01.2026

Between:

Mumtaz Jahan

...Petitioner

And:

The State of Telangana, reptd., by its Principal Secretary, Municipal and Urban Development Department, Hyderabad and two others.

...Respondents

ORDER:

This Writ Petition is filed seeking the following substantive relief:

> *"to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in not granting permission for construction of building in schedule property bearing Municipal No 16-2-738/14/A/6, Old Municipal No.162738/14/A (Portion) admeasuring 202 Sq yards or 168.87 Sq meters in Plot No.37, (Part No.2/B) situated at Gaddiannaram, Malakpet, Hyderabad, Telangana State as illegal, arbitrary, discriminatory in violation of Principles of Natural Justice and Articles 14, 16, 21 and 300A of Constitution of India and consequently, to direct the*

respondents to grant permission for construction of building in the aforesaid property."

2. Heard Sri Katika Ravinder Reddy, learned counsel for petitioner and Sri Raparthi Venkatesh, Learned Standing Counsel for respondent Nos.2 and 3.

3. Learned counsel for petitioner represented that the issue in this Writ Petition is squarely covered by the order passed by this Court in Writ Petition No.4018 of 2021, dated 19.02.2021, and prayed to pass similar order in the present Writ Petition. Learned counsel further submitted that in view of introduction of BuildNow Online portal for submission of building permission application, the petitioner may be permitted to file a fresh application and on such application being filed, the respondents may be directed to consider the same and pass appropriate orders.

4. Learned Standing Counsel for respondent Nos.2 and 3 did not dispute the submission of learned counsel for petitioner that the issue in this Writ Petition is squarely covered by the order passed by this Court in Writ Petition No.4018 of 2021, dated 19.02.2021.

5. Having regard to the submissions of both the learned counsel, this Writ Petition is disposed of with liberty to the petitioner to file a fresh application for obtaining permission for

construction through BuildNow Online portal and on such application being made by the petitioner, the respondents shall consider the same and pass appropriate orders in accordance with law by duly taking into account the orders passed by this Court in Writ Petition No.4018 of 2021, dated 19.02.2021.

6. As a sequel, Miscellaneous Petitions pending, if any, shall stand dismissed. No costs.

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal and Urban Development Department, Secretariat, Secretariat Building, Hyderabad, State of Telangana.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. The Assistant Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
4. One CC to SRI KATIKA RAVINDER REDDY, Advocate [OPUC]
5. One CC to SRI RAPARTHI VENKATESH, SC FOR GHMC [OPUC]
6. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

(Along with the copy of order dated 19.02.2021, in W.P.No.4018 of 2021)

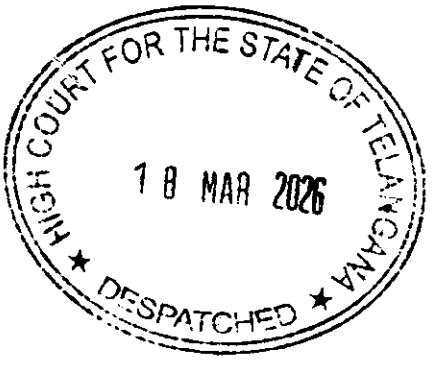
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HIGH COURT

DATED: 06/01/2026

ORDER

WP.No.14367 of 2018



DISPOSING OF THE WRIT PETITION,

WITHOUT COSTS

(10)

18/3/26

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.4018 of 2021

ORDER:

Heard the learned counsel for the petitioners, the learned Standing Counsel for GHMC appearing for respondent Nos.1 and 2, and the learned Government Pleader for Revenue for respondent Nos.3 and 4. With their consent, the Writ Petition is disposed of at the stage of admission.

This writ petition is filed questioning the action of respondent Nos.1 and 2 in insisting the petitioners to produce 'No Objection Certificate' from respondent Nos.3 and 4 for processing the building permission application dated 06.02.2021 in respect of the subject property situated at Fern Hills, Gaddiannaram, Hyderabad.

As can be seen from the record, the then Government of Andhra Pradesh had filed L.G.C.No.54 of 2002 before the Special Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, Hyderabad, claiming the land in Survey No.318/1, admeasuring Acs.4.17 guntas, located in Gaddiannaram Village as Government land and to declare the persons in possession of the same as Land Grabbers. After due trial, the Special Court dismissed the said L.G.C on 17.09.2010. As against the same, the Government has preferred a Writ Petition being W.P.No.16789 of 2011 and the same is pending adjudication before a Division Bench of this Court.

It is pertinent to mention here that even though W.P.No.16789 of 2011 was filed for the entire extent of Ac.109.21

guntas, subsequently, a Division Bench of this Court *vide* order dated 04.04.2017 has clarified that the LGC was filed in respect of only 17,882 square meters, equivalent to 21,387 square yards, which translates to Acs.4.17 guntas of land, and therefore, modified the interim order to the extent of Acs.4.17 guntas of land.

This Court, in number of cases, has depreciated the stand taken by the Municipal Corporations whenever they have insisted for submission of 'No Objection Certificate' either from the Revenue Department or the Urban Land Ceiling Department or any other Department, for considering the applications for building permission.

As per the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, the officials are mandated only to verify as to whether the applicants have *prima facie* title or not by looking at the relevant title documents submitted by them and whether the plans are in conformity with the relevant Rules and G.Os.

In view of the above, the official respondents are directed to consider the application dated 06.02.2021 made by the petitioners for building permission, without insisting for NOC from the Revenue Department, duly taking note of the above factual background and observations of this Court, 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 the building permission, if any, granted by respondent-Corporation is subject to the final orders likely to be passed by the Division Bench of this Court in W.P.No.16789 of 2011 and the petitioners shall not claim any equities in case any adverse orders are passed against

them in the above writ petition. In case of any alienation, the petitioners shall inform the purchaser about the pendency of the litigation and also that building permission granted by the GHMC is subject to the final orders likely to be passed in W.P.No.16789 of 2011, and such alienation made by the petitioners is also subject to the final result of the W.P.No.16789 of 2011.

The writ petition is accordingly disposed of.

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

A.ABHISHEK REDDY, J

Date : 19.02.2021
va