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

FRIDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 35149 OF 2021

Between:

Sri Gadde Bhaskara Rao, S/o. G.Kotaiah, Aged about 40 years, Occ: Business, R/o H.No. HIG-109, Balajinagar, Kukatpally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Hyderabad, Tank Bund, rep. By its Commissioner.
3. The Zonal Commissioner, Serilingampally Zone, GHMC, Hyderabad.
4. The Tahsildar, Serilingampally Mandal, Ranga Reddy District.

R4 is impleaded as per C.O. dt. 05/01/2022 in I.A. No. 2/2021.

...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, especially one in the nature of Writ of Mandamus declaring the impugned proceedings of Respondent No.3 vide File No.002836/GHMC/1652/SLP2/2021-BP dated 08/10/2021 as illegal, arbitrary and unjust, and violation of Article 14 and 300- A of the Constitution of India. r/w Telangana Regularisation of unapproved and illegal lay-out Rules, 2015 and consequently direct the Respondent No.3 to forthwith process the petitioners building application no.002836/GHMC/1652/SLP2/2021-BP dated 02/10/2021.

I.A. 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

Respondent No.3 to process the petitioners building application No. 002836/GHMC/1652/SLP2/2021-BP dated 02/10/2021 without insisting on demarcation and NOC from revenue dept. vide proceedings dt. 08/10/2021 pending writ petition.

Counsel for the Petitioner: SRI S. GANESH

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT

Counsel for the Respondent No.2 & 3: SRI K. RAVI MAHENDER, SC FOR GHMC

Counsel for the Respondent No.4: GP FOR REVENUE

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.35149 OF 2021

C.N.R.NO.HBHC010548672021

6th NOVEMBER, 2026.

Reserved on: 16.10.2026 **Pronounced on: 06.11.2026**

Uploaded on: 06.11.2026

Between:

Sri Gadde Bhaskara Rao.

...Petitioner

AND

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

... Respondents

ORDER:

Heard Sri S.Ganesh, learned counsel for the petitioner and learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, Sri K. Ravi Mahender, learned Standing Counsel for GHMC appearing for respondent Nos.2 and 3 and Government Pleader for Revenue appearing for respondent No.4.

2. The brief facts of the petitioner's case are that originally Sri D. Parshu Ram S/o. D. Narasimha, was the sole and absolute owner and peaceful possessor bearing H.No.7-23/11, Plot No.169 and Portion of Plot No.168 in Sy.No.66/3 admeasuring 400 sq.yards, situated at Raidurg Naw Khalsa village, Rajendra Nagar Taluk, Lingampally Mandal, Ranga Reddy District. He sold the said property to Smt. Mada Valli Vanaja *vide* sale deed document No.1966 of 1986 dated 19.03.1986. Subsequently, Smt. Mada Valli Vanaja executed the registered sale deed in favour of Puranam Koti Linga Murthy *vide* document No.9635 of 1998 dated 07.12.1998. Thereafter, Puranam Koti Linga Murthy executed a registered Agreement of Sale-cum-General Power of Attorney, with possession, in favour of Sri A. Srinivas *vide* document No.7142 of 2008 dated 17.08.2008, for valuable consideration. Subsequently, Sri A. Srinivas i.e., petitioner's vendor applied for regularisation of the subject plot and paid an amount of Rs.6,80,232/- towards regularisation charges to avoid any legal complications in respect of the property. Pursuant to his application, the Zonal Commissioner, Serlingampally Zone regularised the subject plot *vide* proceedings LRS29052018032542 dated 29.05.2018. Thereafter, taking into consideration the aforesaid regularisation

proceedings, the petitioner purchased the subject property under a registered sale deed bearing document No.1317 of 2021, dated 04.01.2021 pursuant to the order passed by this Court.

2.1 Subsequently, the petitioner submitted a building application to respondent No. 3, seeking permission to construct a residential building on the subject property. However, respondent No.3 issued impugned shortfall intimation letter bearing File No. 002836/GHMC/1652/SLP2/2021-BP, dated 08.10.2021, directing the petitioner to submit a demarcation of the site and a No Objection Certificate (NOC) from the Revenue Department for further processing of the building application. The said requirement was imposed on the ground that Government land was situated on the southern side of the subject plot, which is illegal and discriminatory.

2.2 The petitioner submits that the impugned shortfall intimation letter dated 08.10.2021, requiring the petitioner to furnish the aforesaid documents, is arbitrary and unsustainable in the facts and circumstances of the case. Hence, the petitioner prays this Court to set aside the impugned proceedings dated 08.10.2021, bearing File No. 002836/GHMC/1652/SLP2/2021-

BP, and direct the respondents to process the petitioner's building application in accordance with law.

2.3 Learned counsel further submits that the issue involved in the present Writ Petition is squarely covered by the decision of this Court in ***Hyderabad Potteries Private Limited v. Collector, Hyderabad District and another***[1] as well as the order passed by this Court in W.P.No.16868 of 2022 dated 26.04.2022, which was confirmed by the Division Bench of this Court in W.A No.403 of 2022 dated 05.07.2022.

3. Per contra, learned Standing Counsel appearing for respondent Nos.2 and 3 submits that the subject property falls within Government land, as per the list of Government lands furnished by the Deputy Collector and Tahsildar, Serilingampally Mandal It is further submitted that the District Collector, Ranga Reddy District, vide Letter No. E1/889/2022, dated 10.03.2022, addressed to the respondent Corporation stating that the building permissions in respect of properties situated in Sy. No. 66 of Raidurg Village be issued only after verifying the No Objection Certificate (NOC), if any, issued by the competent authority, i.e., the Collector, Ranga Reddy District.

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[1] 2001 (3) ALD 600

Hence, there is no illegality or infirmity on the part of the respondent-Corporation in issuing the short fall intimation letter dated 08.10.2021.

3.1 Learned Standing Counsel further submits that the respondent Corporation would re-examine the regularisation proceedings issued to the petitioner's vendor, as the same may have been issued erroneously and that necessary steps would be taken for revocation of the regularisation proceedings bearing No.LRS29052018032542 dated 29.05.2018. Further on verification of the building application submitted by the petitioner, the respondent-Corporation found that the subject property falls within Government Land, as reflected in the list furnished by the Deputy Collector and Tahsildar, Serilingampally Mandal. Accordingly, the petitioner was directed to submit NOC from the Revenue Department for further processing of the building application and it is submitted that as per the classification furnished by the Revenue Department, the land situated in Raidurg Panmaktha Village in Sy. No. 66/3 is classified as "Gairan," indicating Government land. Therefore, there are no merits in the Writ Petition and the same is liable to be dismissed.

4. Learned Government Pleader appearing for respondent No.4, upon filing the counter-affidavit submits that the Government of Telangana issued the Rules for Regularisation of unapproved and illegal layouts *vide* G.O.Ms.No.151 dated 02.11.2015 which came into force with effect from 28.10.2015. It is further submitted that as per the Survey and Settlement records, which constitute the basic revenue records bearing Sy.No.66 admeasuring Acs.279-22 gts, situated at Raidurg village is the Government land under the category "Poramboke Sarkari". The then Patwari of the village, without obtaining any valid orders from the competent authority, bifurcated Sy.No.66 into two parts and recorded an extent of Acs.129-30 gts in the pahani records of Raidurg Nowkhalsa village and remaining extent of Acs.149-32 gts in the pahani records of Raidurg Panmaqta village. It is further contended that the subject land originally belonged to the Government and that certain cases relating to the said land are pending before this Court. As the land in Sy.No.66 of Raidurg Nowkhalsa village, Serilingampally Mandal, is recorded as Government land in the Revenue, Survey and Settlement records, respondent No.3 rightly insisted upon the petitioner to obtaining a No Objection Certificate (NOC) from

the Revenue Department before considering the building application.

5. Having considered the submissions made by the respective parties and on perusal of the material on record, this Court is of the view that issue which arises for consideration is whether the respondent Corporation is justified in insisting upon the petitioner to produce a No Objection Certificate (NOC) from the Revenue Department for processing the building application, on the ground that the subject property is recorded as Government land in the revenue records. Here it is to be noted that the petitioner relies upon a chain of registered documents commencing from the year 1986, through which the subject property was transferred from one person to another and ultimately purchased by the petitioner under a registered sale deed bearing Document No.1317 of 2021. The petitioner also relies upon the regularisation proceedings bearing No. LRS290520180325 42, dated 29.05.2018, issued by the Zonal Commissioner, Serilingampally Zone, upon payment of regularisation charges of Rs. 6,80,232/-. Further, it is relevant to refer to the judgment of this Court in ***Hyderabad Potteries'*** case, wherein this Court held as follows:

> 16. "Applications for grant of permission cannot be rejected solely on the basis of TSLR entries. The Commissioner is required to make a pragmatic assessment of the material available on record and decide the question of prima facie title and lawful possession of the applicants. The decision to grant permission itself would not confer any title upon the applicant, nor would it take away the rights of the Government or any individual to assert their right, title and interest in the land in accordance with law. The Commissioner is not entitled to decide disputed questions of title or ownership. All that the Commissioner is required to do is to ascertain the prima facie title and lawful possession of the applicant for the limited purpose of granting permission."

This Court, in W.P. No. 16868 of 2022, dated 26.04.2022, relying upon the judgment of this Court in ***Potteries's*** case (supra), held that the municipal authority cannot reject a building application solely on the basis of revenue entries or insist upon an NOC without examining the material placed on record to ascertain the applicant's prima facie title and lawful possession. The said order was affirmed by the Division Bench in W.A. No. 403 of 2022, dated 05.07.2022. Applying the aforesaid principle to the facts of the present case, this Court is of the view that the respondent Corporation cannot insist upon an NOC from the Revenue Department merely on the ground that the subject property is recorded as Government land.

6. Accordingly, the impugned shortfall intimation letter dated 08.10.2021, bearing File No. 002836/GHMC/1652/SLP2/2021-BP, is set aside and the respondents are directed to consider and process the petitioner's building application in accordance

with law, without insisting upon such NOC, subject to compliance with other applicable statutory requirements and the Writ Petition is allowed.

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

SD/- M. OSMAN ALI BAIG

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal & Urban Development Department, The State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, The Greater Hyderabad Municipal Corporation, Hyderabad, Tank Bund.
3. The Zonal Commissioner, Serilingampally Zone, GHMC, Hyderabad.
4. The Tahsildar, Serilingampally Mandal, Ranga Reddy District.
5. One CC to SRI S. GANESH, Advocate [OPUC]
6. Two CCs to GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT, High Court for the State of Telangana. [OUT]
7. One CC to SRI K. RAVI MAHENDER, SC FOR GHMC [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
9. Two CD Copies

BN
AGK

CC TODAY

HIGH COURT

PK, J

DATED: 06/11/2026



ORDER

WP.No.35149 of 2021

ALLOWING THE WRIT PETITION
WITHOUT COSTS

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OBR
06-11-26.