

**The Hon'ble Sri Justice R.Subhash Reddy**

**Writ Petition No.2440 of 2010**

**Order:**

Heard learned Counsel for the petitioners and Sri R.Radhakrishna Reddy, learned Standing Counsel appearing for respondent No.1-Corporation. With their consent, the Writ Petition is taken up for hearing and disposal at the stage of admission.

In this Writ Petition, the petitioners seek declaration, by way of Mandamus, that the action of the respondents, in refusing to receive and process their application seeking permission for construction of new building in Survey Nos.452 and 453 admeasuring 1555 square yards or 1300.14 squaremeters situated at Patancheru Village and Mandal, Medak District, is illegal and arbitrary.

The petitioners claim that they are the absolute owners of the abovesaid property by virtue of a registered sale deed, dated 13-07-2006, bearing document No.16782 of 2006. It is their grievance that the application filed by them under the provisions of the Greater Hyderabad Municipal Corporation Act, seeking permission for construction of a new building after demolishing the existing structures in the abovesaid premises, is not being received by the respondents on the ground that the same is not accompanied by TSLR Certificate and also NOC issued by the revenue authorities.

Having perused the material available on record, it is to be noted that there is nothing on record to show that the respondents have refused to receive the petitioners' application. However, in **Hyderabad Potteries Private Limited vs. Collector, Hyderabad**<sup>[1]</sup>, this Court has

already considered the issue as regards the production of TSLR and NOC along with the application for building permission, and held that the Municipal authorities cannot insist on production of NOC from the revenue authority and that the Municipal authorities have to consider the application filed in this regard, based on the title documents to be produced by the applicants. In view of the same, respondents cannot refuse to receive the petitioners' application merely on the ground that the same is not accompanied by TSLR Certificate and NOC.

Following the judgment referred above, I dispose of this Writ Petition directing the respondents to receive the petitioners' application seeking permission for construction, if the same is otherwise in order, without insisting for any TSLR Certificate or NOC from the revenue authorities as a pre-condition. However, consideration of such application shall be in accordance with the provisions of the Greater Hyderabad Municipal Corporation Act and the byelaws made thereunder. There shall be no order as to costs.

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**R.Subhash Reddy, J**

**Dated 8<sup>th</sup> February, 2010**  
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[\[1\]](#) 2001 (3) ALD 600