

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.6120 OF 2006

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DATED: 31-03-2006

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BETWEEN

K. Nageswara Rao,

S/o. China Kotaiah,

Occ: Business,

R/o. 16-11-733/1/A,

Gaddianaram,

HYDERABAD.

...PETITIONER

AND

The Municipal Corporation of Hyderabad,

Represented by its Commissioner,

Tank Bund Road, Hyderabad and

another.

...RESPONDENTS

ORDER:

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Petitioners seek a Writ of Mandamus to declare the action of the first respondent in not receiving or considering their application seeking building permission in respect of their property bearing MCH No.16-11-733/1 admeasuring 320 Sq. yards situated at Gaddianaram, Hyderabad by insisting on the production of a 'No Objection Certificate'

(NOC) from the District Collector, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the owners and possessors of the property bearing MCH.No.16-11-733/1 admeasuring 320 Sq. yards Gaddianaram, Hyderabad having purchased the same vide registered sale deed bearing document No.70/1984 dated 07.01.1984. He further submits that as the existing house in the said land is very old and in dilapidated condition,

the petitioners approached the first respondent to submit an application for sanction of permission for construction of a house in the said premises but the said application has not been received on the ground that it is not accompanied by NOC issued by the second respondent.

Learned counsel further submits that NOC from the District Collector is not at all required as per the judgment of this Court in WP.No.12831 of 2005 dated 17.06.2005 wherein this Court held that as per Bye-Laws 4.2 and 4.2 (v) of the Municipal Corporation Building Bye-Laws 1981 the NOC from the District Collector is not required.

Following the aforesaid judgment of this Court, the writ petition is disposed of directing the first respondent to receive the application of the petitioners subject to compliance of the relevant building

bye-laws, rules and regulations without insisting upon the

'No Objection Certificate' from the District Collector and consider the same in accordance with law with four weeks from the date of receipt of a copy of this order.

V. ESWARAI AH, J

March 31, 2006

DSK