

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND NINE
PRESENT
THE HON'BLE MR JUSTICE B. SESHASAYANA REDDY

WRIT PETITION NO : 1308 of 2009

Between:

1. P.Butchaiah, S/o. P.Bhoomaiah,
R/o. 1-9-129/G/17/4, Ramnagar, hyderabad
- 2 P.Bharathi, W/o. P.Butchaiah,
R/o. 1-9-129/G/17/4, Ramnagar, hyderabad

..... PETITIONER(S)

AND

- 1 The Greater Hyderabad Municipal Corporation, Rep by its Chief
Commissioner,
O/o. Municipal Corporation of Greater hyderabad, Tankbund,
Hyderabad
- 2 The City Planner, Circle-9, Municipal Corporation of Greater
Hyderabad,
Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in insisting to produce No Objection Certificate from the Revenue Authorities as well as from the Town Survey and Land Records Department for receiving and entertaining the application for construction of a building at h.No.1-9-28/4/1, Ramnagar, Hyderabad as illegal and arbitrary and consequently direct the respondents to receive and process the application for grant of building permission without insisting for No Objection Certificate either from the Revenue Authorities or from the Town Survey and Land Records Departments and pass

Counsel for the Petitioner:MR.K.CHIDAMBARAM

**Counsel for the Respondent No.: R.RAMACHANDRA REDDY,SC
FOR MCH 1,2,4&6**

The Court made the following :

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No. 1308 OF 2009

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ORDER:

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1. Petitioners claim to be the owners of the premises bearing House No. 1-9-28/4/1, Ramnagar, Hyderabad. They submitted application for reconstruction of the building.
 2. It is the grievance of the petitioners that the respondents insisted for production of 'No Objection Certificate' from the revenue authorities as well as the Town Survey and Land Records Department to entertain the building permission application.
 3. When the writ petition came up for admission, Sri R. Ramachandra Reddy, learned standing counsel for GHMC takes notice on behalf of the Respondents .
 4. The issue involved is no more *res integra* in view of the settled proposition of law in ***Hyderabad Pottaries Private Limited Vs. Collector Hyderabad District (2001 (3) ALD 600)*** wherein it has been held that the Corporation cannot insist production of 'No Objection Certificate' from the revenue authorities for consideration of building permission application.
 5. Though there is enough power vested in the Commissioner under Sections 428, 429, 431, 434 of the Hyderabad Municipal Corporations act, 1955 to call for such necessary particulars and information, as is considered appropriate to satisfy himself about the title, right and interest of the petitioners over the land on which the building is sought to be erected, there is no provision in the Act to insist upon the applicants to submit 'No Objection Certificate' either from the revenue establishment of the State Government or from the Town Survey Land Records Department.
 6. In this view of the matter, the respondent-Corporation is directed to receive the application submitted by the petitioners seeking permission

for construction of a building and process the same strictly in accordance with law without insisting upon them to produce 'No Objection Certificate' either from the revenue administration or from the Town Survey Land Records Department. The application be decided independently on its merits.

7. With this, the writ petition stands disposed of, but however, without costs.

Justice B.Seshasayana Reddy

30th January, 2009.
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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION No. 1308 OF 2009

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30th January, 2009