
(2008) 06 AP CK 0001

In the Andhra Pradesh High Court

Case No : Writ Petition No. 12513 of 2008

Rafathullah

APPELLANT

Vs

Commissioner, Greater Hyderabad Municipal Corporation

RESPONDENT

Date of Decision : 20-06-2008

Acts Referred:

Citation : (2008) 5 ALT 604

Hon'ble Judges : B. Seshasayana Reddy, J

Bench : Single Bench

Advocate : Shafath Ahmed Khan, for the Appellant; R. Ramachandra Reddy, for the Respondent

Judgement

B. Seshasayana Reddy, J.—This writ petition has been filed by Rafathullah with a prayer to issue a writ, order or direction, more particularly, one in the nature of writ of Mandamus declaring the action of the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad-respondent in insisting the petitioner to produce "no objection certificate/ TSLR" from the District Collector, Hyderabad, for grant of permission to make construction, as illegal and arbitrary.

2. The petitioner is owner and possessor of the house bearing H. No. 2-3-692/1/8/1/A, situated at Durga Nagar, Amberpet, Hyderabad, in an extent of 300 sq. yards, having purchased the same under a registered sale deed, dated 07.02.2007. He submitted an application on 15.05.2008 to the respondent-Corporation seeking building permission along with plan. The concerned officials of the respondent-Corporation have refused to receive the application and directed him to furnish "No Objection Certificate/TSLR" original from the District Collector, Hyderabad. Hence, this writ petition.

3. Learned Standing Counsel appearing for the respondent-Corporation takes notice on behalf of the respondent-Corporation.

4. Heard learned Counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-Corporation.

5. Learned Counsel for both the parties submit that the issue involved in this writ petition is squarely covered by the decisions of this Court in District Collector, Hyderabad and another Vs. N. Krishna Mohan and others, and B. Murali v. Commissioner, Municipal Corporation of Hyderabad 2000 (6) ALT 198, wherein it has been held that the "No objection certificate/TSLR" from the revenue authorities cannot be insisted upon for grant of building permission.

6. In view of the proposition of law laid down in the above referred cases, the objection raised by the respondent-Corporation for receiving building permission application cannot be sustained.

7. Accordingly, the writ petition is disposed of at the admission stage directing the respondent-Corporation to receive the building permission application from the petitioner and consider the same in accordance with the provisions of the Hyderabad Municipal Corporations Act, 1955 and the rules framed thereunder. No costs.