

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 17809 OF 2022

Between:

1. R.Nirmala, W/o R.Padmanabha Rao, Aged about 49 years, Occ.Business, R/o Flat No.705, Tranquil Towers, Kothaguda, Kondapur, Hyderabad - 084.

...PETITIONER

AND

1. State of Telangana and 3 others, Rep.by its Principal Secretary, Municipal Administration Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Liberty X Roads, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Rep. by its Assistant City Planner, SLP-20, Serilingampally Zone, Rangareddy District.
4. The District Collector and Competent Authority (ULC Wing), R.R.District, Collectors Office, Lakdikapul, Hyderabad.

...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, more so, Writ in the nature of Mandamus, by declaring the action of the 3rd respondent in insisting the petitioner to produce NOC from ULC Department for Plot No.273-C, it Sy.No.77, admg.300 Sq.yards equivalent to 250.84 Sq.mts situated at Raghavendra Colony, Kondapur village, Serilingampally Mandal, Rangareddy District, through the shortfall letter dated 02.02.2022, though the same is unsustainable as the ULC Act itself repealed and therefore, the same is arbitrary, illegal, unlawful contrary to law and consequentially to direct the 3rd respondent herein to process the building application of the petitioner without insisting for production of NOC from the ULC Department.

IA NO: 1 OF 2022

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 3rd respondent herein to consider for granting building permission and sanction to the petitioner for his property bearing Plot No.273-C, in Sy.No.77, admg.300 Sq.yards equivalent to 250.84 Sq.mts situated at Raghavendra

Colony, Kondapur village, Serilingampally Mandal, Rangareddy District, without insisting the NOC from ULC Department, during the pendency of the above writ petition.

Counsel for the Petitioner: SRI. G VASANTHA RAYUDU

Counsel for the Respondent No. 1: GP FOR MCPL ADMN URBAN DEV (TG)

**Counsel for the Respondent Nos. 2 & 3: SRI. SAMPATH PRABHAKAR REDDY
(SC FOR GHMC)**

Counsel for the Respondent No. 4: GP FOR REVENUE (TG)

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.17809 of 2022

ORDER:

This Writ Petition is filed questioning the action of the 3rd respondent in insisting the petitioner to produce 'No Objection Certificate' from ULC Department for Plot No. 273-C in Survey No.77 admeasuring 300 sq. yards situated at Raghavendra Colony, Kondapur Village, Serilingampally Mandal, Rangareddy District, through the shortfall letter dated 02.02.2022.

2. Sri G. Vasantha Rayudu, learned counsel for the petitioner submits that in respect of the very same matters, this Court in Writ Petition No.21580 of 2008 and batch by order dated 28.03.2017, held that '*Urban Land Ceiling proceedings are not applicable to the subject lands and the Urban Land Ceiling Act itself is repealed*'. He further submits that the subject land comes under GHMC limits and in spite of the said orders, again the 3rd respondent is insisting on production of 'NOC' and refusing to grant building permission for construction of a residential building, hence, the petitioner is constrained to approach this Court.

3. Learned Standing Counsel for Respondents 2 and 3 Sri Sampath Prabhakar Reddy submits that against the order passed in Writ Petition No. 21580 of 2008 and batch, dated 28.03.2017, appeals are preferred and they are going to be listed on 08.06.2022, till such time, this matter may be kept pending.

4. This Court passed the order dated 28.03.2017 in Writ Petition No. 21580 of 2008 and batch declaring that the subject lands do not fall under Urban Land Ceiling Proceedings. As no interim order is passed in the writ appeals, the order dated 28.03.2017 is subsisting. Therefore, the respondents shall process the Application of the petitioner for building permission without insisting on production of 'NOC' from the Urban Land Ceiling Department in the light of the order dated 28.03.2017 in Writ Petition No. 21580 of 2008 and batch.

5. The Writ Petition is accordingly, disposed of. There shall be no order as to costs.

6. The miscellaneous petitions, if any shall stand closed.

//TRUE COPY//

SD/-T.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Municipal Administration Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Liberty X Roads, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Rep. by its Assistant City Planner, SLP-20, Serilingampally Zone, Rangareddy District.
4. The District Collector and Competent Authority (ULC Wing), R.R.District, Hyderabad

--Contd--

5. One CC to SRI. SAMPATH PRABHAKAR REDDY (SC FOR GHMC) [OPUC]
6. Two CCs to GP FOR MCPL ADMN URBAN DEV (TG) ,High Court for the State of Telangana. [OUT]
7. One CC to SRI. G VASANTHA RAYUDU Advocate [OPUC]
8. Two CCs to GP FOR REVENUE (TG) ,High Court for the State of Telangana. [OUT]
9. Two CD Copies
10. One Spare Copy.
DN

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HIGH COURT

DATED:11/04/2022

ORDER

WP.No.17809 of 2022



**DISPOSING OF THE WRIT PETITION
WITHOUT ANY COSTS**

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5/7/22