

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

W.P.NO. OF 2025

BETWEEN:

1. S. Premalatha, W/o. Late S. Radhaswamy,
Aged about 79 Years, Occ: Housewife,
R/o. #10-3-85/17, Teachers Colony,
East Marredpally, Secunderabad, Telangana.
2. C. Vithika D/o. C. Rajesh
Aged about 27 Years, Occ: Business
R/o. 74/6, East Marredpally,
Secunderabad - 500 026.
3. C. Shishir, S/o. C. Rajesh
Aged about 24 Years, Occ: Business
R/o. 74/6, East Marredpally,
Secunderabad - 500 026
4. K. Anchit, S/o. Dr K. V. Ram Mohan Rao
Aged about 28 Years, Occ: Business
R/o. 74/6, East Marredpally,
Secunderabad - 500 026

(Petitioners 1 to 4 are being represented by their GPA Holder Mrs K. Aparna,
W/o. Dr K. V. Rammohan, Aged about 52 Years, R/o. 10-3-29/1, Hanuman
Temple Street, East Maredpally, Secunderabad – 500 026)

... Petitioners.

AND

1. State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration & Urban Development Dept.,
Secretariat, Hyderabad.
2. Hyderabad Metropolitan Development Authority(HMDA),
Rep. by Metropolitan Commissioner, 2nd Floor,
Swarna Jayanthi Complex, Ameerpet,
Hyderabad.

... Respondents.



AFFIDAVIT

I, Mrs K. Aparna, W/o. Dr. K. V. Rammohan, Aged about 52 Years, R/o. 10-3-29/1, Hanuman Temple Street, East Marredpally, Secunderabad – 500 026 do hereby solemnly affirm and state on oath as follows:

1. I am the General Power of Attorney to the Petitioners herein and as such well acquainted with the facts of the case. I am deposing to this affidavit on behalf of the other Petitioners also as I am authorized to do so.
2. I submit that the petitioners are filing the present Writ Petition questioning the action of the 2nd Respondent herein in requiring the Petitioners to *“submit latest NOC from Irrigation and Revenue Department not below the rank of EE and JC and submit drawing in accordance with NOCs issued by Irrigation and Revenue Department”* as per shortfall no.3 in shortfall letter in File no.002244/BP/HMDA/0628/MED/2025, dated 28-03-2025 as arbitrary, illegal, dereliction of duty and for appropriate directions to the 2nd Respondent herein.
3. It is submitted that, originally Bhoomireddy Vardha Reddy, Bhoomireddy Maisi Reddy, Bhoomireddy Raji Reddy and Bhoomireddy Venkata Reddy were the pattedars of ac.10-33 gts., in survey no.32 of Muraharipally village, Yadaram Grampanchayat, Medchal Mandal, R.R. District and their names were reflected in the pahanies for the year 1954-55, 1979-80 & 1989-90. Out of the total land of Ac.10-33 Gts., Bhoomireddy Vardha Reddy and 8 others have sold Ac.8-02 Gts.,



(equivalent to 38,962 Sq. yards) to Mr. Sreekakulam Radhaswamy vide sale deed bearing no.5474 of 1989 dated 25-07-1989 registered at SRO., Medchal and the balance land of Ac.02-31 Gts., left with the land owners (i.e. Bhoomireddy Vardha Reddy & Others) only. The name of Sreekakulam Radhaswamy has been reflected in the pahanies of 2004-05, 2006-07, 2008-09 and Patta Passbook and Title Deed were issued in favour of S. Radhaswamy, bearing Patta No.87, Passbook no.45507 & Title Deed no.179974.

4. It is submitted that, Sreekakulam Radhaswamy obtained an open plot layout from Yadaram Gram Panchayat in the land admeasuring Ac.7-56 Gts., i.e. 36,602.9 Sq. Yards with a total of 79 open plots. The name of the layout is Deepthi Villas. The balance land of Ac.0-19.6 Gts., i.e. 2,359.10 Sq. Yards has been lost under road widening in Genome Valley bye-pass road. As per the Gram Panchayat layout the total plotted area, road area and area for amenities are as under:

a) Plotted area of 79 plots	26,750.8 Sq. Yards
b) Road area	7,780.3 Sq. Yards
c) Club House & other areas	2,071.0 Sq. Yards

Out of total 79 open plots Mr. S. Radhaswamy, during his lifetime sold 56 p[lots in the above said Gram Panchayat layout to intending purchasers by way of registered sale deeds. Mr. S. Radhaswamy had gifted 3 plots bearing Plot nos.17 (257 Sq. Yards), 18 (257 Sq. Yards) and Plot No.20 (257 Sq. yards) total

X 

admeasuring 771 Sq. Yards to his grand children namely C. Vithika, C. Shishir and K. Anchit who are the petitioners 2 to 4 herein by way of document no.7898 of 2005, 7899 of 2005 and 7900 of 2005 all are dated 17-06-2005 respectively. It is submitted that, S. Radhaswamy is left with balance unsold plots of 20 nos. bearing nos.1, 2, 3, 4, 8, 9, 14, 16, 19, 21, 57, 59, 60, 64, 74, 75, 76, 77, 78 & 79 (Total 20 Plots). It is submitted that, Sreekakulam Radhaswamy expired on 16th January, 2019. Mrs. Premalatha, W/o. Late S. Radhaswamy is the successor and legal heir of late S. Radhaswamy. The details of family members of Late S. Radhaswamy are;

Wife: Mrs. Premalatha, Aged 79 Years

Daughters:

- a. Chunduru Deepthi alias Sreekakulam Deepthi, Aged: 48 Years
- b. Aparna, W/o. K.V. Ram Mohan Rao, Aged 52 Years

Grand Children:

- a. C. Vithika – daughter of Mrs. Deepthi, Aged 23 Years
- b. C. Shishir – son of Mrs. Deepthi, Aged 20 Years.
- c. K. Anchit – son of Mrs. Aparna, Aged 24 Years

who are the petitioners 2 to 4 herein

It is submitted that, thereafter NOC from Irrigation Department dated 16-06-2007 was obtained for the land area of AC.6-20 gts which is not falling under FTL. NALA conversion proceedings were obtained vide Spl. Gr. Deputy



Collector & Revenue Divisional Officer, R.R. District vide Proceedings No. A/5360/07 dated 14-11-2007 for the land area of Ac.6-20 gts.

5. It is submitted that, out of 20 no's of unsold plots, the Petitioners herein i.e. Mrs. Premlatha & others proposed to develop a residential apartment building in 10 (ten) plots (i.e. 7 unsold plot nos.1, 2, 3, 4, 16, 19 & 21) along with her grand children plots of 3 nos i.e. 17, 18 & 20 admeasuring 5,136.80 Sq. Yards whereas physically land available on ground is 5,032 Sq. Yards (i.e. 4,261 Sq. yards of 7 plots + 771 Sq. Yards of 3 plots) equivalent to 4,207.35 Sq. meters. An area of land admeasuring 1,140.43 Sq. mtrs was effected under road widening on the western side of the proposed site and left with a balance land of 3,066.92 Sq. mtrs., in which the Petitioners herein have proposed the construction of residential apartment building.

6. It is submitted that the Petitioners herein have uploaded building permission application to HMDA through DPMS portal vide File No.054267/MED/R1/U6/HMDA/28042022 to construct residential apartment building consisting of basement, stilt + five upper floors in the net land area of 3,066.92 Sq. meters forming part of Sy. No.32, situated at Muraharipally Village, Shamirpet Mandal, Medchal -Malkazgiri District.

7. It is submitted that, the 2nd Respondent, HMDA authorities have rejected the above said building permission vide their Rejection letter no.054267/MED/R1/U6/HMDA /28042022, dated 09-12-2024 and advised us to

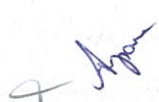
X *Amr*

submit a fresh building permission application under TSbPASS portal. The Petitioners herein uploaded a fresh building permission application to HMDA through TSbPASS portal vide File No.002244/BP/HMDA/0628/MED/2025, 01-02-2025 to construct residential apartment building consisting of Basement, Stilt + 5 Upper Floors in the net land area of 3,066.92 Sq. meters.

8. It is submitted that the 2nd Respondent, HMDA has issued a shortfall letter vide its letter no.002244/BP/HMDA/0628/MED/2025, dated 28-03-2025 duly mentioning the following shortfalls:

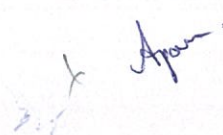
- 1) To demarcate site on ground and submit photographs for the same.
- 2) To show splay at junctions in the drawing.
To submit drawing duly showing sump.
To submit drawing duly rectifying voids, nomenclature.
And submit PDF for the same with owner and architect signatures.
- 3) To submit latest NOC from Irrigation and Revenue Department not below the rank of EE and JC and submit drawing in accordance with NOCs issued by Irrigation and Revenue Department.
To submit drawing duly rectifying survey numbers in generated drawing PDF with regard to application.
- 4) To submit revenue sketch duly incorporating the site in survey number issued by concerned Tahsildar.
- 5) To submit all risk insurance policy for the period of construction.

9. It is submitted that the shortfalls mentioned by the 2nd Respondent in so far as 1, 2 & 4 are concerned, the Petitioner is complying them and submitting the compliance reports to the 2nd Respondent. It is submitted that the shortfalls indicated by the 2nd Respondent HMDA except for Condition no.3 are being



complied with by the Petitioners and the present writ petition is limited only to questioning the shortfall no.3 issued by the 2nd Respondent. However, in so far as shortfall No.3 is concerned i.e., *"submission of latest NOC from irrigation and revenue department not below the rank of EE and JC and submit drawing in accordance with NOCs issued by Irrigation and Revenue Department"* is concerned, the same is not required at all. It is submitted that the distance between the proposed project and the Water Body FTL is about 60.3 meters and the water body is not touching proposed site and as such there is no requirement of submitting NOC either from the Irrigation Department or Revenue Department. A copy of the Google image showing the distance is attached for reference.

10. It is further submitted that the 1st Petitioner's husband had in fact applied to the Executive Engineer of the Irrigation Department on 12-06-2007 itself and the Irrigation Department has issued letter no. HD/DB/D3/441, dated 16-06-2007 clearly certifying that the land in Survey No.32(Part) admeasuring Ac.6-22 Gts situated at Muraharipalle, Yadaram Gram panchayat is not affected by the FTL of Bandham Kunta. The Location Map is also attached to this letter issued by the Irrigation Department. Further, the land of the Petitioners is not classified either as Shikam Patta or Shikam land in the Revenue Records. As such the requirement of the 2nd Respondent asking the Petitioners to obtain a NOC from



the Irrigation and Revenue Departments is totally contrary to law. It is further submitted that there is no requirement even as per the Rules of G.O.Ms.No.168 dt. 07-04-2012, The Telangana Building Rules 2012, to obtain such a NOC from the Irrigation and Revenue Departments. It is submitted that the settled position of law has laid down by this Hon'ble Court is that for the purpose of obtaining construction permission there is no requirement of obtaining an NOC from the Joint Collector or Revenue Department. Equally there is no requirement of obtaining any NOC from the Irrigation Department as the land of Petitioners is far away from the water body and in fact an NOC has already been issued by the Irrigation Department in the year 2007. As such there is no requirement of NOC even assuming that such an NOC is required

11. It is submitted that Hyderabad Metropolitan Development Authority (HMDA) has published a dedicated website under the title "HMDA lake" which provides detailed information regarding lakes across all villages within its jurisdiction. Upon perusal of the said website, it is evident that the subject land which is falling under survey nos. 31 and 32 of Muraharipalle Village is clearly delineated with specific geo-coordinates duly marked and is away from the FTL or buffer zone of the said Bandham Kunta. This official mapping substantiates the petitioners claim regarding the geographical identity and nature of the subject land thereby strengthening the contention that the land has been not falling under FTL or buffer zone of Bandham Kunta and the requirement of HMDA to submit a NOC from the Irrigation Department is made unjustly or erroneously which is liable to be set aside and the 2nd respondent is liable to be directed to consider the application for the construction permission of the



petitioner in accordance with the law without insisting upon NOC from the Revenue or Irrigation Department.

12. Thus the shortfall letter issued by the 2nd Respondent in so far as condition no.3 is totally illegal, arbitrary and is causing severe hardship to the Petitioners. Thus the Petitioners are constrained to file the present Writ Petition.

13. The Petitioners have got no other equally efficacious alternative remedy except to invoke the extraordinary original jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

14. The Petitioners have not filed any other writ or proceedings in any other court of law or forum for the relief which is sought for in the present writ petition.

15. It is necessary that the High Court may be pleased to direct the Respondent No.2 to grant construction permission to the Petitioners pursuant to the application made by the Petitioners bearing Application No.002244/BP/HMDA/0628/ MED/2025 dated 01-02-2025 without reference to the shortfall condition no.3 i.e. *submit latest NOC from Irrigation and Revenue Department not below the rank of Executive Engineer and Joint Collector and submit drawing in accordance with the NOCs issued by Irrigation and Revenue Departments pending disposal of the writ petition.*

x *Apurva*

16. It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the 2nd Respondent in issuing shortfall letter in File No.00244/BP/HMDA/0628/MED/2025, dated 28-03-2025, requiring the petitioners to submit a latest NOC from Irrigation and Revenue Department not below the rank of Executive Engineer and Joint Collector and submit drawing in accordance with the NOCs issued by Irrigation and Revenue Departments vide Shortfall No.3 as arbitrary, illegal and contrary to the Telangana Building Rules, 2012 and set aside the same in so far as shortfall condition no.3 is concerned and consequently direct the Respondent No.2 to grant construction permission to the Petitioners for construction of Residential Apartment Building complex consisting of 1 Cellar + 1 Stilt + 5 Upper Floors in Plot Nos. 1, 2, 3, 4, 16, 19, 21, 17, 18 & 20 in the net land area of 3,066.92 Sq. meters forming part of Sy. No.32, situated at Muraharipally Village, Shamirpet Mandal, Medchal-Malkajgiri District without reference to shortfall condition no.3 and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Sworn and signed before me on this the
15th day of June, 2025 at Hyderabad.



Deponent

Advocate / Hyderabad

VERIFICATION

I, Mrs K. Aparna, W/o. Dr K. V. Rammohan, Aged about 52 Years, R/o. 10-3-29/1, Hanuman Temple Street, East Maredpally, Secunderabad – 500 026 being the GPA Holder to the petitioners do hereby declare that the contents of the above paragraphs are true to the best of my knowledge, information and belief and hence verified on this the 15th day of June 2025 at Hyderabad.

Counsel for Petitioner



DEPONENT

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
APPELLATE SIDE**

No. OF 2025

AGAINST

No. OF 2025

On the file of the Court of
S.Premalatha & Others

Appellant/
Petitioner

V E R S U S

The State of TS and Another

...Respondent

I K.Aparna W/o Dr.K.V.Ram Mohan R/o 10-3-29/1 Hanumann Temple Road, East Marredpally, Secunderabad an authorized GPA Holder to the Petitioners in the above application do hereby appoint and retain

**PERI PRABHAKAR (6390)
ADVOCATE**

Advocate/s of the High Court to appear for ME/US in the above APPEAL/PETITION and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt of any money that may be payable to ME/US in the said Appeal/ Petition and also to appear in all applications under Clause XV of the Letters patent and in all applications for review and for leave to the Supreme Court of India and in all applications for review of Judgment.

y 

I certify that the contents of this Vakalat were read out and explained in (.....) in my presence to the executants of executants who appeared perfectly to understand the same and made his /her/their signatures or mark in my presence.

Executed before me this.....day of2025

Advocate, Hyderabad

S.R. No.

_____ District

**IN THE HIGH COURT FOR THE
STATE TELANGANA AT
HYDERABAD**

APPELLATE SIDE

No. _____ of 2025

AGAINST

No. _____ of 2025

VAKALAT

ACCEPTED

S.Premlatha & Others

..Appellant

Versus_____

The State of TS & Another

..Respondents

**PERI PRABHAKAR (6390)
ADVOCATE**

Advocate for Petitioner

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