

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28198 of 2015

DATED : 02.09.2015

Between :

Mohd. Arif Mohiuddin S/o.Sri Jamal Mohammad,
Aged 50 yrs, Occu : Private Service,
R/o.H.No.3-2-53, Raipura, Hanamkonda,
Warangal District.
Presently residing at : Riyadh, Kingdom of Saudi Arabia,
Rep., by his GPA Holder, Shri Mohd. Sultan Mohiuddin
S/o.Sri Jamal Mohammad,
R/o.H.No.3-2-53, Raipura, Hanamkona,
Warangal District.

.. Petitioner

and

The State of Telangana,
Rep., by its Principal Secretary,
Department of Municipal Administration,
Secretariat, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

Heard the learned counsel for the petitioner and the learned Standing Counsel representing the respondent Municipal Corporation.

2. Both the counsel agree that the subject matter of the writ petition is covered by orders passed by this Court in several writ petitions, including W.P.Nos.37378 of 2014 and 10465 of

2014.

3. By the order impugned in the writ petition, the application of the petitioner was rejected on the ground that the application submitted is contrary to the revised plan and contrary to the draft master plan of 80 feet to 100 feet road.

4. As seen from the material on record and the earlier orders passed by this Court, it is not in dispute that a final notification of master plan is yet to be issued and master plan is still at the draft stage. Thus, the rejection of the building application on the ground that the same is not in accordance with the proposed master plan which is only at the draft stage is ex-facie illegal.

5. Having regard to the same, the impugned notice is set aside granting liberty to the petitioner to re-submit his building permission application to the 3rd respondent-The Assistant City Planner, Khazipet Circle-II Office, Warangal Municipal Corporation, Warangal District. On submission of such application, the

3rd respondent shall consider the same in accordance with law including the provisions of Greater Hyderabad Municipal Corporation Act, 1955, the Rules and By-laws made there under and take decision thereon.

6. With the above observations, the Writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**P.NAVEEN
RAO,J**

2nd September, 2015.
Rds