

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.34688 of 2015

-

Dated 09th November, 2015

Between:

Kasturi Rakesh Kumar

...Petitioner

And

The State of Telangana, rep.by its Principal Secretary, Municipal Administration,
Secretariat, Hyderabad and others

...Respondents

Counsel for the petitioners: Ms.Trupthi Agarwal

for Smt.S.Nanda

Counsel for respondent Nos.1, 3, 4 & 5: GP for Municipal Administration

Counsel for respondent No.2: Sri N.Praveen Kumar

The Court made the following:

ORDER:

This writ petition is filed assailing proceedings bearing No.2605/G1/2015,

dated 26.09.2015, of respondent No.2, whereby he has returned the petitioner's application for building permission for two reasons, namely, (1) that the petitioner has not submitted the application as per the prescribed procedure in general and the application is not accompanied by the proposals of the building licensed Surveyor of the Municipality in particular and (2) that as per the proposed master plan of Jagtial Municipality, the petitioner's site is falling within the 40' wide road.

I have heard Ms.Trupthi Agarwal, learned counsel, representing Smt.S.Nanda, learned counsel for the petitioner, and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.2.

As regards the first mentioned requirement of submitting the plan prepared by the building licensed Surveyor along with the application, the same is essential under the provisions of the A.P.Municipalities Act, 1965 and the Rules made thereunder. Therefore, respondent No.2 cannot be found fault with for returning the application for re-submission by complying with the said objection.

With regard to the second mentioned ground, in my opinion, unless under the sanctioned master plan, the plot of the petitioner is earmarked for road, the application filed for building permission cannot be rejected in anticipation of sanction of master plan in future. Respondent No.2 is bound to consider the petitioner's application with reference to the master plan which is in existence at the time of consideration and not keeping in view the future possibilities or contingencies.

In the light of the above discussion, the petitioner is permitted to re-submit his application to respondent No.2 along with the plan prepared by the building licensed Surveyor of the Municipality. Within four weeks of such re-submission, respondent No.2 shall consider, take a decision and communicate the same to the petitioner regardless of the proposed 40' wide road in the proposed master plan for the Jagtial Municipality.

Subject to the above observations and directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WP.MP.Nos.44555 & 44556 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

09th November, 2015

VGB