

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.35328 of 2015

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DATED : 29.10.2015

Between :

Dr.V.V.Narasimha Shastry S/o.Vyakaranam Shastry,
Aged 75 yrs, Occu : Doctor,
R/o.H.No.2-5-32, Nakkalagutta,
Hanamkonda, Warangal District.

.. Petitioner

and

State of Telangana,
Rep., by its Principal Secretary,
Department of Municipal Administration,
Secretariat, Hyderabad & 3 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. Admittedly, petitioner's application for grant of building permission was rejected by the Assistant City Planner, Greater Warangal Municipal Corporation, Warangal (4th respondent) on the ground that he did not supply a revised plan showing 100 feet road as indicated in the notified Draft Master Plan and also he did not give any undertaking to surrender road affected portion. It is not disputed that no final notification is issued and that the Master Plan is still in the draft stage only. Therefore, the Draft Master Plan cannot be said to have come into force.

4. So following the order, dated 11.4.2014, in W.P.No. 10465 of 2014, the Writ Petition is allowed and the respondents are directed to consider the application of the petitioner for making construction in the subject property in accordance with the existing Master Plan and the endorsement vide Roc.No.G1/4186/2014, BA No.1078/13-14, dated 06.03.2014 issued by the respondents is set aside. Within four (4) weeks from the date on which the petitioner resubmits his application for permission, respondents 2 and 4 shall consider the same in accordance with law, including the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, the Rules and Byelaws made thereunder; take a decision thereupon; and communicate the same to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

29th October, 2015.
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