

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 10585 of 2016

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ORDER:

Heard Ms. B.V. Aparna Lakshmi, learned counsel for petitioner, and Ms. Pingali Lakshmi, learned Standing Counsel for the Greater Warangal Municipal Corporation.

2. It is not disputed by learned counsel for both sides that this case is similar to WP.No.10465 of 2014 dt.11.04.2014 and that the decision therein would apply to the present case also.

3. Briefly stated, the petitioner made an application dated 16.02.2016 for construction permission before the second respondent.

4. By the impugned order dated 21.03.2016 in Roc.No.HO/G1/38292/2016, the said application was rejected placing reliance on a draft master plan wherein a 150' wide road is shown and the petitioner was advised to file a modified building plan.

5. It is not disputed that a final notification approving the master plan is yet to be issued. As the master plan is still at the draft stage,
it cannot be said to have come into force. The petitioner would therefore be entitled to have his application for building permission considered by the second respondent in accordance with the existing master plan. The impugned endorsement dated 21.03.2016 to the contrary is accordingly set aside.

6. Within four (04) weeks from the date on which the petitioner re-submits his application for building permission, respondent Nos.2 and 3 shall consider the same in accordance with law, the existing master plan and the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and the Rules and Bye-laws made therein, take a decision thereupon and communicate it to petitioner.

The Writ Petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall also stand dismissed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

March 31, 2016
Lmv