

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 35307 OF 2016

ORDER:

Heard.

2. This writ petition is filed questioning the action of the third respondent in rejecting the building permission, which is sought by the petitioner, on the ground that in draft master plan the existing road is proposed to be expanded to 150 feet in the place of 60 feet or 100 feet.

3. Learned counsel for the petitioner contends that the application for building permission would have to be examined and scrutinized in terms of the existing rules as on date and not in the future event or the changes which are proposed in the master plan.

4. Learned counsel for the petitioner as well as learned Standing Counsel for the respondent Corporation submits that earlier this court considered similar issue in W.P.No.10465 of 2014 and by order dated 11.04.2014 disposed of the said writ petition. Operative portion of which reads as follows:

“As long as a final notification is not issued, and the master plan is still at the draft stage, it cannot be said to have come into force. The petitioner is, therefore, entitled to have his application considered in accordance with the existing master plan. The impugned endorsement dated 12.02.2014 is set aside. Within four weeks from the date on which the petitioner resubmits his application, respondents 2 and 3 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.

The Writ Petition is accordingly disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.”

Following the same, this Writ Petition is also disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

October 20, 2016
LMV

JUSTICE CHALLA KODANDA RAM

