

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.27168 of 2016

ORDER:

Heard the learned counsel for the petitioner and Smt. Pingali Lakshmi, learned counsel for respondent Nos.2 and 3.

It is not disputed by learned counsel on both sides that facts in this case are similar to the facts of W.P.No.10465 of 2014 which was disposed of on 11-04-2014 and in W.P.No.37487 of 2014 which was disposed of on 05-12-2014.

Briefly stated, the petitioner had made an application dt.18-05-2016 for construction before 2nd respondent.

By the impugned order dt.16-07-2016, the said application was rejected placing reliance on a Draft Master Plan-2031 wherein it is alleged 150' wide road is shown that it is pending approval from Government and the petitioner should file a modified building plan showing the said road as well as spray portion and file a road affected area undertaking.

It is not disputed that a final notification approving the master plan is yet to be issued. Since the master plan is still at the drafting stage it cannot be said to have come

into force. So the petitioner is entitled to have his application for building permission to be considered by 2nd respondent in accordance with the existing master plan. Therefore, the impugned endorsement dt.21.11.2014 is set aside.

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, including 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.

Accordingly, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16-08-2016

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