

THE HON'BLE SRI JUSTICE PRAVEEN KUMAR

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WRIT PETITION No. 19408 of 2016

ORDER:

Heard Ms. B.V.Aparna Lakshmi, learned counsel for the petitioner, Government Pleader for Municipal Administration and Urban Development for respondent No.1 and Smt. Pingali Lakshmi, learned Standing Counsel for respondent Nos.2 and 3 and Sri M.Ajaykumar, learned Standing Counsel for respondent No.4.

It is not disputed by learned counsel for both sides that this case is similar to the order dated 31.03.2016 passed in W.P.No.10585 of 2016 and the decision therein would apply to the present case also.

Briefly stated, the petitioner made an application dated 27.05.2016 for construction permission before the second respondent. By an impugned order dated 07.06.2016 vide Roc.No.TP/PEROBLD HOF/195-2016-SR ASST TP HOF, the said application was rejected basing on a draft master plan wherein a 150' wide road is shown and the petitioner was advised to file a modified building plan.

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 07.06.2016 is contrary and the same is liable to be set aside.

Having regard to the facts and circumstances of the case and in view of the order dated 31.03.2016 passed by this Court in W.P.No.10585 of 2016, the writ petition is disposed of permitting the petitioner to resubmit her application for building permission. Within four (04) weeks from the date on which the petitioner resubmits her

application for building permission, respondents 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 thereunder and take a decision thereupon and communicate it to petitioner. No order as to costs.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

JUSTICE PRAVEEN KUMAR

22.06.2016

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