

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8086 of 2017

ORDER:

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

The Writ Petition is confined only with respect to the requirement of petitioner complying with objection No.4 in the impugned letter dated 17.02.2017.

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

The petitioner made an application dated 05.01.2017 for building permission before the second respondent. By the impugned letter dated 17.02.2017, the said application was rejected placing reliance on a draft master plan wherein 24 mtrs. width is shown instead of 18 mtrs. width road.

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 letter dated 17.02.2017, to the extent of objection No.4, 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, 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 to petitioner.

The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending shall also stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 08.03.2017
usd

