

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 44453 of 2016

Date : 2.1.2017

Between :

M Venkateshwar Rao S/o Late M Durgaiah
R/o 5-4-767, Bhagavandas Bada, Abids Road, Hyderabad

Petitioner

And

The State of Telangana,
Rep by its Principal Secretary,
Municipal Administration and Urban Development,
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Building permission application of the petitioner was rejected on the ground that the same is not in compliance with the bye-laws. Further objection was that petitioner did not show affected road widening portion in the submitted plan on north side which is less than 9 meters wide. Learned counsel for petitioner contended that the building permission application bye-laws on which reliance is placed are no more in existence.

Perusal of Section 444 (h) of the Greater Hyderabad Municipal Corporation Act, 1955 makes it clear that each room must have minimum size of not less than 100 sq feet. It is not in dispute that petitioner's room size is less than 100 sq feet. Thus, I do not see any error in rejection of the building permission application. Learned counsel for petitioner submits that petitioner has already submitted revised building plan application and the same may be considered.

In the circumstances, the revised building plan application submitted by the petitioner may be examined by the respondents and suitable decision to be taken in accordance with the Rules/Bye-laws as applicable and in terms of the provisions of the Act and if the petitioner is fulfilling the requirements of granting building permission, same may be granted.

Accordingly, the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:2.1.2017
TVK

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