

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6629 of 2017

ORDER:

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

2. It is not disputed by counsel of both sides that the facts in this case are similar to the facts in WP.No.10465 of 2014 dt.11.04.2014 and that the order passed therein would apply to the present case also.

3. Briefly stated, the petitioner had made an application dated 28-10-2013 for construction before 2nd respondent.

4. By the impugned order dated 10-02-2017 in Roc.No.HO/E-33597/2017, the said application was rejected placing reliance on a draft master plan wherein it is alleged that 150' wide road is shown and the petitioner should file a modified building plan showing the said area.

5. 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 dated 10-02-2017 is set aside.

6. 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.

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

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



JUSTICE CHALLA KODANDA RAM

February 27, 2017

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