

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.4063 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following prayer:

“.....to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.2 to 4 in rejecting the Building application dated 11.01.2018 referring to the draft master plan as illegal, arbitrary, unconstitutional, discriminatory and contrary to the provisions of Greater Hyderabad Municipal Corporation Act and consequently direct the respondents to grant the building permission to the petitioner and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Smt.P.Lakshmi, learned Standing Counsel, who offers to file appearance for the Greater Warangal Municipal Corporation, Hyderabad.

3. As the matter is squarely covered by the order, dated 11.04.2014, of this Court, in W.P.No.10465 of 2014, with the observation that “as long as a final notification is not issued, and the master plan is still at the draft stage, it cannot be said to have come into force. The petitioner is, therefore, entitled to have his application considered in accordance with the existing master plan. The impugned endorsement dated 12.02.2014 is set aside. Within four

weeks from the date on which the petitioner resubmits his application, respondents 2 to 4 shall consider the same in accordance with law, including the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, the Rules and Byelaws made thereunder; take a decision thereupon; and communicate the same to the petitioner”, this writ petition can be disposed of.

4. Having regard to the facts and submissions and for the reasons alike as were mentioned in the afore-stated order, this Writ Petition is disposed of directing respondent Nos.2 to 4 to grant permission as per the existing master plan subject to compliance of other requirements.

5. Office is directed to enclose a copy of the order, dated 11.04.2014, passed in W.P.No.10465 of 2014 to this order.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

8th February 2018

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Dr. B. SIVA SANKARA RAO, J

