

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.23664 of 2018

ORDER:

Heard learned Counsel for the petitioner and Smt.Pingili Laxmi, learned Standing Counsel for respondent-Municipal Corporation.

Learned Counsel for both sides agreed that this Writ Petition is covered by the order, dated 11.04.2014, in Writ Petition No.10465 of 2014. In view of the same, there shall be following similar Order in this case also.

Admittedly, petitioner's application for grant of building permission was rejected by the 2nd respondent-Corporation on the ground that he did not supply a revised plan showing 100 ft. road as indicated in the notified Draft Master Plan and also he did not give any undertaking to surrender road affected portion. It is not disputed that no final notification is issued and that the Master Plan is still in the draft stage only. Therefore, the Draft Master Plan cannot be said to have come into force.

So following the order, dated 11.04.2014, in W.P.No.10465 of 2014, the Writ Petition is allowed and the respondents are directed to consider the application of the petitioner for making construction in the subject property in accordance with the existing Master Plan and the "Shortfall Intimation Letter" file No.3006/12735/W32/2018, dated 22.06.2018, issued by the respondents is set aside. Within four weeks from the date on which the petitioner resubmits his application for 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, the Rules and Byelaws made thereunder; take a decision thereupon; and communicate the same to the petitioner. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this Writ Petition, shall stand closed.

A.V.Sesha Sai, J

Date: 11.07.2018
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