

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 45944 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and Smt. Pingali Lakshmi, learned Standing Counsel for respondent Nos.2 to 4.

The present writ petition came to be filed declaring the action of respondent Nos.2 to 4 in issuing rejection letter, vide letter dated 25.10.2018, referring to the draft master plan, as illegal and arbitrary.

It is stated that the case on hand is covered by the judgment of this Court in W.P.No.10585 of 2016, dated 31.03.2016 and that the decision therein would apply to the present case also. The same is not opposed by the learned Standing Counsel.

In similar circumstances, this Court in W.P.No.19897 of 2016, basing on the orders passed in W.P.No.10585 of 2016, held as under:

“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 endorsement dated 22.02.2016 is contrary and the same is accordingly set aside.

Having regard to the facts and circumstances of the case and in view of the order dated 31.03.2016 passed by this Court in

W.P.No.10585 of 2016, the writ petition is disposed of permitting the petitioner to resubmit her application for building permission. Within four (04) weeks from the date on which the petitioner resubmits his application for building permission, respondents 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 thereunder and take a decision thereupon and communicate it to petitioner. No order as to costs.”

In view of the orders passed in W.P.No.19897 of 2016, the present writ petition is disposed of permitting the petitioner to resubmit his application for building permission. Within four (04) weeks from the date on which the petitioner resubmits his application for building permission, respondents 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 thereunder and take a decision thereupon and communicate it to petitioner. No order as to costs.

Pending miscellaneous petitions shall stand closed in the light of this final order.

18.12.2018
vhb

JUSTICE C. PRAVEEN KUMAR