

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.971 of 2019

ORDER:

Heard.

2. The building construction permission application submitted by the petitioner on house bearing No.2-10-891/2 of Waddepalli (V), Hanamkonda (M) of Warangal District was rejected by the Greater Warangal Municipal Corporation vide rejection letter dated 19.12.2018 on the ground that rare part of the proposed site was falling in the layout open space vide DP.No.8/86 of Waddepally (V) and therefore permission cannot be granted to construct in the open spaces.

3. During the course of arguments, it is pointed out that the very same issue was adjudicated by this Court in S.A.No.755 of 2013 wherein vide judgment dated 27.10.2014 this Court held that the respondents therein i.e.Kakatiya Urban Development Authority and The Municipal Corporation, Warangal, deleted the land in survey No.565 of K.Mogili and a separate G.P. Plan 23/2001 was prepared for deletion of the land of K.Mogili.

3. Learned Standing Counsel representing KUDA informs this Court that in compliance of the judgment rendered by this Court in S.A.No.755 of 2013, revised proceedings were issued and consequently orders of regularization were also issued on 29.05.2018. He categorically asserts that the piece of land on which construction was proposed by the petitioner is not part of the layout open space vide D.P.No.8/86.

4. In view of this submission, the rejection of the building construction permission application submitted by the petitioner is no more valid and is accordingly set aside. The matter is remitted to the respondent-Municipal Corporation for consideration of the application of the petitioner afresh without reference to the rejection letter dated 19.12.2018.

5. The Writ Petition is accordingly disposed of.

Miscellaneous Petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

6th June, 2019.
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P.NAVEEN RAO, J

