

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.1548 of 2019

ORDER

Heard learned Counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, Smt Pingili Lakshmi, learned Standing Counsel for respondents 2 and 3 and Sri M. Ajay Kumar, learned Standing Counsel for respondent No.4.

2. 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.

3. 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.

4. 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.3006/16703/W31/2019,

dated 24.01.2019, 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 there under; take a decision thereupon; and communicate the same to the petitioner. There shall be no order as to costs.

5. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

29th January, 2019

sj