

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.3480 of 2019

ORDER

Heard Sri K.Durga Prasad, learned counsel for the petitioner, and Ms.Pingali Lakshmi, learned Standing Counsel for the Greater Warangal Municipal Corporation.

2. The Writ Petition is confined only with respect to the requirement of petitioner complying with objection No.2 in the impugned letter dated 05.02.2019.

3. It is not disputed by learned counsel for both sides that this case is similar to W.P.No.8086 of 2017, dated 08.03.2017 and that the decision therein would apply in the present case also.

4. The petitioner made an application dated 12.12.2018, for building permission before the respondents. By the impugned letter dated 05.02.2019, the said application was rejected placing reliance on a draft master plan stating road should be widened to 150 feet.

5. 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 letter dated 05.02.2019, to the extent of objection No.2, is set aside.

6. Within four (04) weeks from the date on which the petitioner re-submits his application for building permission, respondent Nos.2 and 3 shall consider the same in accordance with law, the existing master plan and the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and the Rules and Bye-laws made therein, take a decision thereupon and communicate to petitioner.

The Writ Petition is accordingly disposed of. No order as to costs.

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

CHALLA KODANDA RAM, J

20th February, 2019

vhb

