

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4729 of 2019

ORDER:

The relief sought for in this writ petition is to declare the action of respondents 2 and 3, in not granting permission on the building application dated 22.01.2019, referring to the draft master plan, as illegal and arbitrary.

2. Smt Pingali Lakshmi, learned Standing Counsel for Warangal Municipal Corporation, on instructions, would submit that a draft master plan has been prepared widening the existing 60 ft road to 100 ft; draft proposals have been submitted to the Government; objections have already been invited; and a final notification, approving the master plan, is yet to be issued. Learned Standing Counsel would fairly submit that the application submitted by the petitioner is in accordance with the existing master plan; and the said application has not been considered only because the master plan is in the process of being revised.

3. As long as a final notification is not issued, and the master plan is still at the draft stage, it cannot be said to have come into force. The petitioner is, therefore, entitled to have his application considered in accordance with the existing master plan. The impugned letter dated 02.03.2019 is set aside. Within four weeks from the date on which the petitioner resubmits his application, respondents 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.

4. The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

8th March, 2019

sj

