

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7552 of 2019

ORDER:

The petitioner challenges the issuance of shortfall intimation letter dated 10.01.2019 in response to his application for grant of building permission in Plot No.C-14, forming part of authorized layout, in Sy.Nos.538, 533, 534, 539, 540 and 541 at Alwal Village, Malkajgiri Mandal, Medchal District.

2. The petitioner has raised various contentions including that the shortfall intimation specifically asserts that the land in Sy.No.541 falls under the notified water body (cheruvu) and is also affected by proposed 18 meters wide two roads in terms of G.O.Ms.No.288 dated 03.04.2018. The petitioner asserts that in similar circumstances with respect to the same survey number permissions were granted by municipal authorities and further, the revenue authorities as well as the Executive Engineer, North Tanks Division, Hyderabad had clarified that Plot Nos.C2, C9, C14, C13 are situated at a distance of 828 meters away from the nearest water body and these plots are not affected by FTL or buffer zone of any water body. The petitioner, further, asserts that the shortfall intimation ought not to have been given and permission ought to have been granted by the GHMC authorities.

3. On the other hand, Sri Chatla Madhu, learned standing counsel, asserts that the writ petition is not maintainable with regard to the intimation letter intimating the shortfall. He submits that if the petitioner is so certain about the subject plot not falling within the

water body, it is always open to him to approach the authorities by placing necessary material, which would be considered. He would submit that the applications made are examined on case-to-case basis. Merely because with respect to other plots, permission has been granted, that by itself, does not follow that permission ought to be granted on similar other applications also, as it is the duty of the authorities to consider each application on the material placed before it and taking into consideration of the facts.

4. Having regard to the respective submissions, as this Court had already held in WP.No.6257 of 2019 dated 04.04.2019, that the writ petition challenging the shortfall letter is not maintainable and as the same cannot be construed as a rejection of application, it is required to be understood as intimation giving opportunity to the applicant to satisfy the deficiencies.

The writ petition is closed by giving liberty to the petitioner to place necessary material to satisfy the authorities to justify grant of permission in his favour. As and when such application is made, the same shall be considered and appropriate orders be passed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

April 10, 2019
DSK