

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9206 OF 2019

ORDER:

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

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, similar orders can be passed in this case also.

Admittedly, petitioner's application for grant of building permission was rejected by respondent No.2 – Corporation on the ground that she did not supply a revised plan showing 150 ft. road as indicated in the notified Draft Master Plan and also she 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.

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.3006/18068/W37/2019, dated 22.04.2019, issued by the respondents is set aside. Within four weeks from the date on which the petitioner resubmits her 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 thereunder, take a decision thereupon; and communicate the same to the petitioner. There shall be no order as to costs.

Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

26.04.2019.

vhb

