

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.17400 OF 2019

ORDER

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

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.

Learned counsel for both sides agree that this Writ Petition is covered by the order dated 11.04.2014 in W.P.No.10465 of 2014. In view of the same, there shall be following similar order in this case also.

Following the order dated 11.04.2014 in W.P.No.10465 of 2014, this Writ Petition is also 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.3006/19882/W34/2019, dated 04.08.2019 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 thereunder; take a decision thereupon; and communicate the same to the petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE CHALLA KODANDA RAM

16th August, 2019
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