

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22040 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“...to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents no 2 and 3 in issuing the SHORTFALL INTIMATION LETTER File No 3006/20712/W38/2019 dated 28 09 2019 and not granting permission to building application dated 20 09 2019 referring alleged proposed draft Master Plan with 150 feet wide road as illegal arbitrary discriminatory ultra vires and violative of Articles 14 19 1 g and 300A and against principles natural justice consequently direct the respondents to grant Building Permission without reference to alleged Proposed Draft Masker Plan by setting aside the SHORTFALL INTIMATION LETTER File No 3006/20712/W38/2019 dated 28 09 2019 as referred by the respondents.”

It is submitted by learned counsel for petitioner as well as learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, and Smt. Pingali Lakshmi, learned Standing Counsel for Greater Warangal Municipal Corporation appearing for respondent Nos.2 and 3 that the issue in the present Writ Petition is squarely covered by the order dated 11.04.2014 passed by this Court in Writ Petition No.10465 of 2014.

Admittedly, the petitioner's application for grant of building permission was rejected by respondent No.3 – City Planner, Greater Warangal Municipal Corporation, Warangal, on the ground that he did not supply a revised plan showing 150 ft. road as indicated in the Draft Master Plan and did not give any undertaking to surrender the road affected portion. It is not in dispute 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 be in force.

In those circumstances, following the order dated 11.04.2014 passed by this Court in Writ Petition No.10465 of 2014, this Writ Petition is allowed and the 'Shortfall Intimation Letter' File No.3006/20712/W38/2019 dated 28.09.2019 issued by respondent No.3 is set aside. Further, the petitioner is permitted to resubmit to the respondent authorities concerned his application for grant of permission for making construction in the subject property in accordance with the existing Master Plan. Within four weeks from the date of receipt thereof, respondent authorities concerned shall consider the same and take a decision in accordance with law, including the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, and the Rules and

the Byelaws made thereunder and communicate the same to the petitioner.

Miscellaneous applications, if any pending, shall also stand disposed of.

CHALLA KODANDA RAM, J

1st OCTOBER, 2019.

kvni

