

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.22307 OF 2019

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.2 and 3 in issuing the “SHORTFALL INTIMATION LETTER” in file No. 3006/20600/W51/2019 dated 25/09/2019 and not granting permission as illegal, arbitrary, discriminatory and contrary to the provisions of Greater Hyderabad Municipal Corporation Act and consequently direct the respondents 2 and 3 to receive and approve the application for building permission forthwith and pass such other order or orders may deem fit and proper in the Circumstances of the case.”

2. Heard Smt T.Raja Lakshmi, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration appearing for the 1st respondent and Smt Pingali Lakshmi, learned standing counsel appearing for respondents 2 & 3.

3. Learned counsel for both sides agreed that this writ petition is covered by the order, dated 11.04.2014, in W.P.No.10465 of 2014 and order, dated 29.01.2019, in W.P.No.1548 of 2019.

4. The main grievance of the petitioner is that the petitioner's application for grant of building permission was rejected by respondents 2 & 3 on the ground that he did not supply a revised plan showing 100 feet road as indicated in the notified

Draft Master Plan and also he did not give any undertaking to surrender road affected portion.

5. The draft proposal sent to the Government is pending and final notification for approval of Draft Master Plan is pending with the Government.

6. In view of the submissions and for the reasons alike as were mentioned in the earlier orders of this Court passed in W.P.No.10465 of 2014 *vide* order, dated 11.04.2014, and in W.P.No.1548 of 2019 *vide* order, dated 29.01.2019, 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' in File No.3006/20600/W51/2019, dated 25.09.2019, issued by the respondents is set aside. Within four (04) weeks from the date on which the petitioner resubmits his application for permission, respondents 2 & 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.

T.AMARNATH GOUD, J

Date: 15th October, 2019
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