

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.22367 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 therefore 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 respondents no.2 and 3 in issuing the 'SHORTFALL INTIMATION LETTER' File No. 3006/20836/W37/2019 dated 09.10.2019 and not granting permission to building application dated 27.09.2019 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 300-A and against principles natural justice, consequently direct the respondents to grant Building Permission without reference to alleged Proposed Draft Master Plan by setting aside the 'SHORTFALL INTIMATION LETTER' File No. 3006/20836/W37/2019, dated 09.10.2019 as referred by the respondents and to pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri M.Ajay Kumar, 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.3006/20836/W37/2019, dated 09.10.2019, 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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