

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23635 OF 2019

ORDER :

The relief sought for in this Writ Petition is to declare the action of Respondents 2 to 4 in not granting permission on the building application dated 08.09.2019 for construction of residential building in Survey No. 1624 of Madikonda, Kazipet Mandal, Warangal (Urban) District referring to the alleged draft master plan with 200 feet wide road as illegal and arbitrary.

Ms. Pingali Lakshmi, learned Standing Counsel for Warangal Municipal Corporation, on instructions, would submit that a draft master plan has been prepared widening the existing 150 ft road to 200 ft; draft proposals have been submitted to the Government; objections have already been invited by the fourth respondent; and a final notification, approving the master plan, is yet to be issued. The learned Standing Counsel would fairly submit that the Application submitted by the petitioner is in accordance with the existing master plan; and the said Application has not been considered only because the master plan is in the process of being revised.

As long as a final notification is not issued, and the master plan is still at the draft stage, it cannot be said to have come into force. The petitioner is, therefore, entitled to have her Application considered in accordance with the existing master plan. The impugned Shortfall Intimation Letter dated 22.10.2019 is set aside. Within four weeks from the date on which the petitioner resubmits her Application, Respondents 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 there under; take a decision there upon; and communicate the same to the petitioner.

The Writ Petition is, accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications if any shall stand closed.

CHALLA KODANDA RAM, J

29th October 2019

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