

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 26250 OF 2019

ORDER:

This writ petition is filed challenging the action of respondents 2 and 3 in issuing the Shortfall Intimation Letter vide File No.3006/21532/W50/2019, dated 25.11.2019 and in not granting permission to the petitioner by referring alleged proposed draft Master Plan with 150 feet wide road and for a consequential direction to the respondents to grant building permission to the petitioner.

Learned counsel for the petitioner as well as Smt.P.Laxmi, learned Standing Counsel for respondents 2 and 3 submits that the *lis* in the writ petition is squarely covered by order dt.11.04.2014 in WP.No.10465 of 2014.

Admittedly, petitioner's application for grant of building permission was rejected by 3rd respondent-Corporation on the ground that he did not supply a revised plan showing 150 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.

So following the order dated 11.04.2014 in WP.No.10465 of 2014, 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” file No.3006/16703/W31/2019, dated 24.01.2019, 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 there under; take a decision thereupon; and communicate the same to the petitioner. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.11.2019

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