

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28511 OF 2019

DATED : 24.12.2019

Between :

Dr.Polasa Sudha Sree D/o.Polasa Sadanandam,
Aged about 43 yrs, Doctor,
R/o.H.No.102, Sai Chalam Apartments,
Central Excise Colony, Baghamberpet,
Hyderabad.

.. Petitioner

And

State of Telangana,
rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad and others.

..Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28511 OF 2019

ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, Smt Pingali Lakshmi, learned Standing Counsel for respondent Nos.2 & 3 and Sri M.Ajay Kumar, learned Standing Counsel for respondent No.4.

2. Learned counsel for both sides agreed that this Writ Petition is covered by the order, dated 11.04.2014, in Writ Petition No.10465 of 2014. In view of the same, there shall be following similar order in this case also.

3. Admittedly, petitioner's application for grant of building permission was rejected by the respondent -Corporation on the ground that she did not supply a revised plan showing 150 feet road as indicated in the notified Draft Master Plan and also she 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.

4. So, following the order, dated 11.04.2014, in W.P.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.3006/21608/W38/2019, dated 03.12.2019 issued by the respondents is set aside. Within four

weeks from the date on which the petitioner resubmits her 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 thereunder; take a decision thereupon; and communicate the same to the petitioner. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

24th December, 2019
Rds

