

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.48044 of 2018

ORDER:

This writ petition is filed for the following substantial relief:

“... to issue appropriate Writ, order or direction one in the nature of writ of mandamus, declaring the action of the respondent No.2 & 3 in issuing the ‘SHORT FALL INTIMATION LETTER’ file No.3006/ 15965/ W41/ 2018, dated 08.12.2018 on the ground referring draft master plan and not granting permission to the building application dated 24.11.2018 is unsustainable, illegal, arbitrary, discriminatory, ultra-vires and violative of Articles 14, 1(1)(g) and 300-A of the Constitution of India and against the principles of natural justice and contrary to the Government Letter No.2252/ M1/ 2017, dated 06.04.2017 and Memo No.2252/ M1/ 2017, dated 28.04.2017 issued by the Respondent No.1 herein, consequently direct the respondents No.2 and 3 to grant building permission by setting aside the ‘SHORT FALL INTIMATION LETTER’ in file No.3006/ 15965/ W41/ 2018, dated 08.12.2018 of the respondents and pass....”

At the hearing, learned counsel for both sides submit that this writ petition is covered by the order dated 11.04.2014 in W.P.10465 of 2014 basing on which W.P.No.26020 of 2018 was also allowed by order dated 26.07.2018 and, therefore, similar orders may be passed in this writ petition as well.

In view of the submission made, and for the reasons alike as were mentioned in W.P.No.10465 of 2014, this writ petition is also allowed directing the respondents 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.3006/15965/W41/2018, dated 16.07.2018, 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 thereunder, take a decision thereupon, and communicate the same to the petitioner. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

02nd January, 2019
KSM



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