

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.162 OF 2020

Date:06.01.2020

Between:

Janapatha Rajalingam, S/o. Ramaswamy,
Aged 71 years, Occ: Retd. Employee,
Main Road, Madikonda, Warangal

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.162 OF 2020****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Smt. P. Laxmi, learned Standing Counsel for respondent – GWMC for respondents 2 and 3.

2. Admittedly, petitioner's application for grant of building permission was rejected by the respondent-GWMC on the ground that the site is abutting existing 100' road, proposed 200' road as per Draft Master Plan 2041 and proposal may be revised and road affected area to be mentioned in affidavit. 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.

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. In view of the same, there shall be the following similar order in this case also.

4. Hence, following the order, dated 11.04.2014, in W.P.No.10465 of 2014, this 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.3006/22119/W44/2019, dated 28.12.2019, issued by the respondent-GWMC is set aside. Within four weeks from the date on which the petitioner resubmits

his application for permission, respondents Nos.2 and 3 shall consider the same, in accordance with law, including the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and 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. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:06.01.2020

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