

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.777 of 2020

ORDER:

Heard the learned counsel for the petitioner as well as the learned standing counsel appearing for the first and second respondents.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent in issuing the shortfall intimation letter in file No. 3006/22258/W30/2019, dt. 06-01-2020 referring the draft master plan as illegal, arbitrary and violation of Article 14 and 19 of Constitution of India and consequently direct the respondents to grant construction permission as per the existing market plan without reference to draft master plan pursuant to the application filed by the petitioners dt.20-12-2019 and to pass such other or other orders as this Hon'ble Court may deem fit just and proper in the interest of Justice.'

3. The basic grievance of the petitioner in the present writ petition is for not granting permission/sanction for construction of a residential building in respect of the subject land in accordance with the existing master plan. The application submitted by the petitioner is returned with an objection that the effected road area should be shown as per the draft master plan along with other objections.

4. Learned counsel also submitted that unless the draft master plan widening existing 80 feet road to 120 feet is finalized, such objection cannot be taken.

5. In similar circumstances, this Court in W.P.No.10465 of 2014, which was disposed of on 11.04.2014, dealt with the issue and observed as under:

‘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 his application considered in accordance with the existing master plan. The impugned endorsement dated 12.02.2014 is set aside. Within four weeks from the date on which the petitioner resubmits his 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 thereunder; take a decision thereupon; and communicate the same to the petitioner.’

6. Therefore, the second and third respondents are directed to pass appropriate orders on the application submitted by the petitioner for sanction/construction of building permission in the subject land within four weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE P.KESHAVA RAO

Date:20.01.2020

PGS