

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.2295 OF 2020

ORDER:

Heard the learned counsel for the petitioners as well as the learned standing counsel appearing for the second respondent-Corporation.

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 a writ, order or direction more particularly one in the nature of writ Mandamus declaring the action of the respondents No.2 and 3 in issuing the 'HORTFUL INTIMATION LETTER' File No.3006/22044/W34/ 2019, dated 28.12.2019 not granting permission to building application dated 07-12-2019 referring alleged proposed draft Master Plan with 150 feet wide road as illegal, arbitrary, discriminatory, ultra vires and violative of articles 14, 19(1)(g) and 300-A and against principles of natural justice, consequently direct the respondents to grant building permission without reference proposed draft master plan by setting aside the 'SHORTFUL INTIMATION LETTER' File No 3006/22044/W34/2019, dated 28.12.2019 as referred by the respondents and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

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 site is abutting existing 100 feet road, proposed 200 feet road as per draft master plan, 2041.

4. Learned counsel also submitted that unless the draft master plan widening existing 100 feet road to 200 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. No order as to costs.

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JUSTICE P.KESHAVA RAO

Date: 05.02.2020

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