

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5357 of 2020

ORDER:

This Writ Petition is filed for the following relief:

“...to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondent No 2 and 3 in issuing the SHORTFALL INTIMATION LETTER file No 3006/23061/W27/2020 dated 04 03 2020 and not granting permission to building application dated 31 01 2020 referring Draft Master Plan as illegal arbitrary discriminatory ultra vires and violative of Articles 14 191 g and 300A and against principles of natural justice consequently direct the Respondents to grant Building Permission without reference to Draft Master Plan by setting aside the SHORTFALL INTIMATION LETTER file No 3006/23061/W27/2020 dated 04 03 2020 as referred by Respondents.”

It is submitted by learned counsel for petitioners as well as learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, Smt. Pingali Lakshmi, learned Standing Counsel for Greater Warangal Municipal Corporation appearing for respondent Nos.2 and 3, and Sri M. Ajay Kumar, learned Standing Counsel for Kakatiya Urban Development Authority, appearing for respondent No.4 that the issue raised in the present Writ Petition is squarely

covered by the order dated 11.04.2014 passed by this Court in Writ Petition No.10465 of 2014.

Admittedly, the petitioners' application for grant of building permission was rejected by the City Planner, Greater Warangal Municipal Corporation, Warangal, on the ground that they did not supply a revised plan showing 150 ft. road as indicated in the Draft Master Plan and did not give any undertaking to surrender the road affected portion. It is not in dispute 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 be in force.

In those circumstances, following the order dated 11.04.2014 passed by this Court in Writ Petition No.10465 of 2014, this Writ Petition is allowed and the 'Shortfall Intimation Letter' File No.3006/23061/W27/2020 dated 04.03.2020 is hereby set aside. Further, the petitioners are permitted to resubmit to the respondent authorities concerned their application for grant of permission for making construction in the subject property in accordance with the existing Master Plan. Within four weeks thereafter, the respondent authorities concerned shall consider the same, keeping in view the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, and the Rules and the Byelaws

made thereunder, and take a decision in accordance with law, and communicate the same to the petitioners.

Miscellaneous applications, if any pending, shall also stand disposed of.

CHALLA KODANDA RAM, J

11th MARCH, 2020.

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