

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10443 of 2020

O R D E R:

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. 3006/24760/W34/2020 dated 07.07.2020 and not granting permission to building application dated 09.06.2020 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 to Draft Master Plan by setting aside the SHORTFALL INTIMATION LETTER file No. 3006/24760/W34/2020, dated 07.07.2020 as referred by the respondents.”

It is submitted by learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development and Smt. Pingali Lakshmi, learned Standing Counsel for Greater Warangal Municipal Corporation 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 petitioner's Application for grant of building permission was rejected by the Assistant City Planner, Greater Warangal Municipal Corporation on the ground that 'the above draft master plan proposed road 200 feet as per 2041 and the existing road 100 feet road. Hence, shortfall may be called for'. 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.3006/24760/W34/2020 dated 07.07.2020 is hereby set aside. Further, the petitioner is permitted to resubmit to the respondent authorities concerned his 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 petitioner. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

15th July 2020

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THE HON'BLE SRI JUSTICE CHALLA KONDANDA RAM



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