

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12194 of 2020

ORDER:

The relief sought for in this writ petition is to declare the action of respondent Nos.2 and 3, in not granting building construction permission on the application of the petitioner dated 20.06.2020, by referring to the draft master plan, as illegal and arbitrary.

Smt. Pingali Lakshmi, learned Standing Counsel for Warangal Municipal Corporation, on instructions, would submit that a draft master plan has been prepared for widening the existing road to 150 ft; draft proposals have been submitted to the Government; objections have already been invited; and a final notification, approving the master plan, is yet to be issued. Learned Standing Counsel would fairly submit that the application submitted by the petitioner is in accordance with the existing master plan; and the said application has not been considered only because the master plan is in the process of revision.

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 Shortfall Intimation Letter dated 31.07.2020 is set aside. Within four weeks from the date on which the petitioner resubmits his application, respondent 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.

The writ petition is, accordingly disposed of. Interlocutory applications pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J

10th August, 2020
KSM

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