

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29150 OF 2019

Date:06.01.2020

Between:

Chenoor Mahadev, S/o. Buchimallu,
Aged 49 years, Occ: Business,
R/o.H.No.5/1026/1 (old), 5-11-139
(New), Survey No.63, situated at
Opp. To KUC, first Gate, Vidyaranyapuri,
Hanamkonda, Warangal District

.. Petitioner

And

State of Telangana, Department of
Municipal Administration, rep., by its
Principal Secretary, Secretariat, Hyderabad
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.29150 OF 2019****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1, Smt. P. Laxmi, learned Standing Counsel for respondent – GWMC for respondents 2 and 3, and Sri M. Ajay Kumar, learned Standing Counsel for KUDA for respondent No.4.

2. Admittedly, petitioner's application for grant of building permission was rejected by the respondent-GWMC on the ground that he did not upload correct road affected area as per Draft Master Plan 2014 and road affected area of 20 feet lane, as indicated in the notified Draft Master Plan. It is not disputed 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 have come into force.

3. Learned counsel for both sides agreed that this Writ Petition is covered by the order, dated 11.04.2014, in W.P.No.10465 of 2014. In view of the same, there shall be the following similar order in this case also.

4. Hence, following the order, dated 11.04.2014, in W.P.No.10465 of 2014, this Writ Petition is allowed and the respondents are directed to consider the application of the petitioner for making construction in the subject property, in accordance with the existing Master Plan, and the 'Shortfall Intimation Letter' in File No.3006/22119/W44/2019, dated 28.12.2019, issued by the respondent-GWMC is set aside.

Within four weeks from the date on which the petitioner resubmits his application for permission, respondents Nos.2 and 3 shall consider the same, in accordance with law, including the provisions of the Greater Hyderabad Municipal Corporation Act and, 1955 and the Rules and Byelaws made thereunder; take a decision thereupon; and communicate the same to the petitioner. There shall be no order as to costs. Pending miscellaneous petitions shall stand closed.

Date:06.01.2020

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P. NAVEEN RAO, J

