

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2255 OF 2012

ORDER :

The grievance in the writ petition is that though the property belonging to the petitioner in House No.1-5-16/7, situated at Bakaram Village and Musheerabad Mandal of Hyderabad District in T.S.No.13/2, Ward No.69, admeasuring 127.40 sq.ys is acquired by the 1st respondent for widening of road from Narayanaguda Junction to Musheerabad Junction as per the notification in the Hyderabad District Gazette Nos.103&135, dated 06.11.2007 and 04.11.2008, and though award is passed in respect of acquisition of the above said property in favour of the petitioner, the respondents are trying to demolish the property of the petitioner bearing Nos.1-5-16/5B, 1-5-16/4, 1-5-16/9 & 1-5-16/10, situated at Musheerabad, Hyderabad. It is the specific case of the petitioner and assertion of the learned counsel for the petitioner that no award is passed in respect of the above said properties except house bearing No.1-5-16/7. Hence, the present writ petition is filed.

Respondents 1 to 3 filed counter stating that the property in House No.1-5-16/7 is acquired and award is passed; that the petitioner never raised any objection before the 1st respondent about the other four houses bearing Nos. 1-5-16/5B, 1-5-16/4, 1-5-16/9 & 1-5-16/10, which were involved in House bearing No.1-5-16/7, before passing of the award.

Heard learned counsel for the petitioner.

Learned Standing Counsel Sri R.Radha Krishna Reddy, taken me through the award passed by the Land Acquisition Officer dated 30.10.2010. In the said award at para-19 it is stated as follows;

“ Premises No.1-5-16/7, (Notified Extent 127.40 Sq.Ys.) T.S.No.13/2, Ward No.69, Block No.B.

In response to the notice U/s.9(3) 7 10 of the LA.Act issued inviting claims and interest and fixing enquiry into such claims on 7-11-2008 Smt.B.Srilatha, W/o.B.Sreedhar was present and filed claim petition and title documents/sale deed bearing No.908/62, dated 14-4-1962. As per registered sale deed Sri B.Sreedhar S/o.Sreenivasachary has purchased the house No.A-15-16, admeasuring 200 Sq.Ys. from Sri Asad Raza, S/o.Baquar Raza Sahab. She stated that the said land was brought and constructed by her husband late B.Sreedhar and after his demise the same property was transferred in her name. The house numbers are given 1-5-16/4, 1-5-16/5/B, 1-5-16/9 & 1-5-16/10 to that effect. She enclosed the Xerox copy of Municipal House Tax receipt for premises No.1-5-16/5/B, 1-5-16/4, 1-5-16/9/D10. Therefore, Smt.B.Sreelatha, W/o.late Sreedhar is the owner and entitled to receive the compensation as there are no rival claims are received against the premises No.1-5-16/7 notified.”

A reading of the above paragraph in the award clearly goes to show that the above said four house numbers also included in the award. In fact, it is stated that the sale deed produced by the petitioner dated 14-04-1962, does not contain even the house number 1-5-16/7. Since the 1st respondent could not decide the ownership after passing of award, the matter was referred to the City Civil Court, Hyderabad, under Section 30 of the Land Acquisition Act, 1894 and the same is numbered as OP.2228 of 2011. Further, petitioner has not filed any documents in support of her claim that she is the owner of the other four houses bearing Nos.1-5-16/5B, 1-5-16/4, 1-5-16/9 & 1-5-16/10 and that the petitioner has suppressed the fact that these four house numbers are also part of the award passed by the Land Acquisition Officer.

Since the dispute is referred to the Civil Court, under Section 30 of the Land Acquisition Act, the writ petition is misconceived. Since, already notice is issued to the petitioner in OP.No.2228 of 2011, it is for the petitioner to agitate her claim before the Civil Court.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel there to, miscellaneous petitions if any, pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

04.03.2015

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