

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 28725 of 2008

ORDER :

It is the case of the petitioner that his wife Smt.Faqarunnisa Begum was the owner of the house bearing H.No.19-2-200, situated at Ran Mastpura, Opposite to Zoo Park, Hyderabad admeasuring 143.10 sq.yds. The said house was acquired by the then Municipal Corporation of Hyderabad through Quli Qutub Shah Urban Development Authority, Hyderabad for the purpose of road widening. The respondents have obtained a consent letter from the wife of the petitioner on 19.01.1993 by mentioning that alternative land will be allotted. The 3rd respondent by proceedings No.E1/763/92-4, dated 31.03.1993, has sanctioned Rs.3,29,110/- towards compensation for the acquired land and building i.e., Rs.24,199.11 ps towards the value of the land and remaining amount towards the value of the structure of the building. On receipt of the said proceedings, the petitioner gave reply dated 15.06.2003 demanding payment of compensation for the value of the structure only. In response to the same, the respondents have paid Rs.3,04,910/- through cheque No.F/24 0424526, dated 07.07.1993 for the value of the structure only, accepting the request for allotment of alternative land. The 3rd respondent wrote a letter to the 2nd respondent dated 25.08.2005 requesting to provide alternative land. The wife of petitioner died on 03.06.2000 living behind himself and his four children. It is also stated that alternative house sites were allotted who were displaced, whose houses and shops were acquired for the purpose of laying Railway Over Bridge at Dabeerpura, but the petitioner was denied the same and which is violative of Article 300-A of the Constitution of India. Aggrieved by the same, the present writ petition is filed.

2. Counter affidavit is filed by the respondent denying the

averments in the affidavit filed in support of the writ petition and admitting about the acquisition of the house of the wife of the petitioner in the year 1993 for the purpose of road widening. The respondent officials have estimated the total amount towards compensation in respect of land and structure to the wife of the petitioner for an amount of Rs.3,29,110/-. But the wife of the petitioner has refused to receive the compensation towards the land value and has received compensation in respect of the structure value that is Rs.3,04,910/- only. The petitioner has kept quite all these years and suddenly started insisting the respondent officials to provide for alternate site in compensation to the land surrendered by the wife of the petitioner. The respondent is not in a position provide alternate site to the petitioner at this belated stage and that the respondent has never assured for providing alternate site to the petitioner. The alleged representation dated 19.01.1993 has not been served on the respondent corporation at any point of time. The respondent officials filed proceedings dated 31.03.1993 by sanctioning Rs.3,29,110/- to the wife of the petitioner towards compensation in respect of land and structure value. As such, the petitioner is not entitled to alternate site and sought for dismissal of the writ petition.

3. None appeared for the petitioner.
4. Heard Sri Neeli Ashok Kumar, learned Standing Counsel for the respondent Corporation.
5. Admittedly, the house of the wife of the petitioner was acquired in the year 1993 and compensation was also received by the wife of the petitioner in the year 1993 in respect of structure, but she refused to receive the compensation towards land. In the affidavit of the writ petition, it is not disputed about the compensation fixed for the land as inadequate or fixed unilaterally. The only ground raised in the affidavit of the writ petition that the respondent Corporation has assured to provide alternate land in lieu of the land acquired. When once the

petitioner has agreed for fixation of compensation for land along with structure, the same was assessed and paid to the petitioner and wife of the petitioner accepted compensation in respect of structure, but refused in respect of land. Now, the petitioner cannot turn around and seeks for alternate site. The final order was issued in the year 1993 by the respondent Corporation is also not disputed. It is not known as to why the petitioner kept quiet from 1993 onwards and filed writ petition in the year 2008, as such, the writ petition is liable to be dismissed on the ground of laches alone. The respondents have also disputed about the letter alleged to have been submitted by the wife of the petitioner on 19.01.1993 to the respondent corporation. A perusal of a copy of the letter dated 19.01.1993 also goes to show that there were some writings in hand and when entire letter is typed one. Even on that ground also, the writ petition is liable to be dismissed.

In view of the aforesaid reasons, I do not see any merit in the writ petition and same is accordingly dismissed. However, the respondents are directed to pay the compensation assessed by them towards land to the petitioner.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

02.09.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. No.28725 OF 2008

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