

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.4907 OF 2015**

**ORDER:**

This petition is filed for a writ of *Mandamus* declaring the action of the respondent authorities in laying sewerage pipeline in the land of the petitioners in an extent of 2974 sq. ys. in Sy.No.2 to 9 of Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, without following the due process of law, as illegal and arbitrary and for a consequential direction to the respondents to acquire the said land and pay compensation to the petitioners under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*for short 'the Act'*).

The case of the petitioners is that they are the owners of 62 acres of land in Survey No.2 to 9 of Guttala-begumpet Village, Serilingampally Mandal, Ranga Reddy District and the 2<sup>nd</sup> respondent is trying to lay pipeline through their lands without initiating land acquisition proceedings and without following the due procedure envisaged under the Act. Aggrieved by the same, present writ petition is filed. ]

The Greater Hyderabad Municipal Corporation-3<sup>rd</sup> respondent, filed a report saying that the land in which the 2<sup>nd</sup> respondent is laying pipeline is a private land and the pipeline which has already been laid partly is not covered in the 80' road which is abutting to this private land.

The 2<sup>nd</sup> respondent filed counter stating that the petitioners are not the owners of the subject land, as such, they are not entitled for any compensation and also states that as per Section 56(1)(b) of the Hyderabad Metropolitan

Water Supply and Sewerage Act, 1989, pipeline can be laid even in a private land without initiating any acquisition proceedings and that it is only liable to pay damages. It is further stated that since they are not laying pipeline in the land of the petitioners, no compensation is liable to be paid to the petitioners. It is also stated that the 2<sup>nd</sup> respondent is laying pipeline only on the berm portion of the road. In the subsequent affidavit filed by the 2<sup>nd</sup> respondent it is stated that since the dispute between the Waqf Board and the petitioners is not settled, it cannot be said that the petitioners are the absolute owners of the property in question. It is also stated in the said affidavit that 50% of laying sewerage pipeline work is completed and that they cannot stall the work at this stage.

When this Court on 19.03.2015 directed the respondents to produce the documents regarding the width of the road, which requires for laying the sewerage pipeline, the same was not produced before this Court by the respondents.

Learned Standing Counsel for 2<sup>nd</sup> respondent produced proceedings dated 15.04.2015 addressed by the General Manager(E) of the 2<sup>nd</sup> respondent to the Special Deputy Collector, Land Acquisition (Industries), submitting proposals for acquisition of land to an extent of Ac.0.28 grs in Sy.Nos.2 to 9 of Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, for the purpose of laying sewerage pipeline in compliance to the note orders of the Managing Director of the 2<sup>nd</sup> respondent along with requisition for land acquisition in Form-I.

Learned counsel for the petitioners submits that in view of the action taken by the 2<sup>nd</sup> respondent authorities proposing to acquire the land in Sy.Nos.2 to 9, petitioners may be permitted to file representation regarding exact extent to be effected in laying of sewerage pipeline in question.

Since it is stated in the proceedings dated 15.04.2015, issued by the 2<sup>nd</sup> respondent that 50% of the work is completed and that the 2<sup>nd</sup> respondent has taken action for acquisition of the property for laying the pipeline, this Court is not inclined to grant stay of further proceedings and since it is stated by the learned Standing Counsel for the 2<sup>nd</sup> respondent that the 2<sup>nd</sup> respondent is willing to pay the compensation amount with the Land Acquisition Officer (Industries), this writ petition is disposed of directing the 2<sup>nd</sup> respondent to complete land acquisition proceedings by taking appropriate steps in accordance with law for payment of compensation, within a period of six months from the date of receipt of a copy of this order. No order as to costs.

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

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**A.RAJASHEKER REDDY, J**

17.04.2015

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